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No. _____ OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1997

VICKY M. LOPEZ, CRESCENCIO PADILLA, WILLIAM
A. MELENDEZ, and DAVID SERENA, *Appellants*,
v.
MONTEREY COUNTY, CALIFORNIA,
STATE OF CALIFORNIA, *Appellees*,
and
WENDY DUFFY, *Intervenor-Appellee*

ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

JURISDICTIONAL STATEMENT APPENDIX

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FILED
December 19, 1997
Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICKY M. LOPEZ,)	
CRESCENCIO	)	NO. C-91-20559-RMW
PADILLA, WILLIAM	)	(EAI)
A. MELENDEZ,)	
JESSE G. SANCHEZ,)	
and DAVID SERENA,	)	ORDER GRANTING:
	)	(1) MOTION TO
Plaintiffs,	)	DISMISS FIRST
v.	)	AMENDED COMPLAINT
MONTEREY	)	AND (2) MOTION TO
COUNTY,	)	VACATE ORDER
CALIFORNIA,	)	EXTENDING JUDICIAL
STATE OF	)	TERMS
CALIFORNIA,)	
)	
Defendants,)	
)	
WENDY DUFFY, in)	
her official capacity as)	
Presiding Judge of the)	
Monterey County)	
Municipal Court District,)	
)	
<u>Intervenor.</u>		

The motions of the State of California ("State") to dismiss the first amended complaint and to vacate this court's September 25, 1996 order extending terms of incumbent judges "whose terms would otherwise expire in January 1997" came before this court on February 20, 1997. Appearances were made on behalf of the State, the County of Monterey ("County"), the presiding judge of the municipal court intervening in her official capacity only with respect to the motion to vacate, the plaintiffs, and the United States as amicus curiae supporting plaintiffs. The court hereby grants both motions.

I. BACKGROUND

The plaintiffs seek in their first amended complaint a declaratory judgment that the failure of the County to preclear its ordinances allegedly merging its separate and inferior court districts into a single, county-wide municipal court served by judges whom county residents elect at large violates § 5 of the Voting Rights Act (42 U.S.C. § 1973c). Plaintiffs seek an injunction against enforcement of these ordinances in order to stop all municipal court judicial elections until the ordinances have been precleared. They also seek an order restraining the County and State from enforcing state constitutional and statutory provisions which would prevent the implementation of a precleared plan.

On March 31, 1993, this court ruled that the challenged ordinances had not received required preclearance.

On November 1, 1995, this court ordered that the County conduct an at-large, county-wide judicial election in March, 1996 and enjoined future elections pending preclearance of a permanent election plan. The Supreme Court reversed that interlocutory judgment and remanded the case for further proceedings. It pointed out that in a case brought under § 5 of the Voting Rights Act,

[t]he three-judge district court may determine only whether § 5 covers a contested change, whether § 5's approval requirements were satisfied, and if the requirements were not satisfied, what temporary remedy, if any, is appropriate.

Lopez v. Monterey County, Cal., 117 S. Ct. 340, 349 (1996).

It further observed that

[t]he County has not discharged its obligation to submit its voting changes to either of the forums designated by Congress. The requirement of federal scrutiny should be satisfied without further delay.

Id.

The State, which was not a party at the time this court originally held that the County had failed to preclear its consolidation ordinances, now moves to dismiss the first amended complaint on the grounds that: (1) although the consolidation ordinances were not submitted for preclearance, intervening changes in California law have converted the County's judicial election scheme into a state plan thus negating the need for preclearance; (2) the complaint is barred by laches; (3) the designation of the County as a covered jurisdiction under § 5 is constitutionally improper; and (4) the consolidation ordinances did not alter a voting "standard, practice or procedure" subject to § 5 preclearance. These threshold contentions are ones the Supreme Court expressly left to this court to consider on remand. See Lopez, 117 S. Ct. at 347. The State also asserts that this court has no power in a § 5 coverage case to suspend any provision of the State Constitution or to order a court-ordered temporary or permanent election plan. As discussed below, the court finds contention (1) dispositive, and, therefore does not address contentions (2) through (4).

The State also requests that the court vacate its September 25, 1996 order extending the terms of the incumbent judges whose terms expired in January 1997 until an election is held or further order of this court. See Order on Motions to Amend Complaint and Extend Judges' Terms dated September 25, 1996 at 2:19-20.

III. ANALYSIS

A. STATE'S MOTION TO DISMISS FIRST AMENDED COMPLAINT

1. § 5 Of The Voting Rights Act Does Not Apply To The State's Enactment Of A Voting Plan For Municipal Court Judges In Monterey County

The plaintiffs, supported by the United States as amicus curiae, argue that § 5 by its own terms applies to any state or political subdivision that "shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968" in a § 5 covered jurisdiction, such as Monterey County. Therefore, plaintiffs argue that even if the judicial plan for electing municipal court judges in the County is considered a state plan, any statutes implementing that plan are subject to preclearance despite the fact that the State of California is not a covered jurisdiction.

Plaintiffs' argument overlooks the opening clause of § 5 which limits application of the section and its preclearance requirements to jurisdictions that have been determined to fall within the coverage formulae set forth in § 4 (b) (42 U.S.C. 1973b(b)). The opening clause of § 5 reads: "Whenever a State or political subdivision with respect to which ... [coverage exists under § 4(b)] ... shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or

procedure with respect to voting" Id. (emphasis added). The plain language of the clause does not apply to an uncovered state which "enact(s) or seek(s) to administer" a voting plan in a subordinate, covered county. Further, the purpose of § 5 appears to be to target only those enactments by jurisdictions suspected of abridging the right to vote and not those put in force by a non-covered, superior jurisdiction.¹ Therefore, the question here is whether the State of California, rather than the County, "enact(ed)" and seek(s) to administer" the county-wide voting plan in Monterey County. If so, pre-clearance is not required, as the State is not a covered jurisdiction.

¹The court is aware that plaintiffs contend that the regulations set forth in 28 C.F.R. §§ 51.1(a) and 51.23(a) require that any change of voting procedure in a covered jurisdiction must be submitted for preclearance. We do not believe that the regulations should be read that broadly.

The United States as amicus curiae argues that the Supreme Court has interpreted § 5 broadly to apply to all voting changes within a covered jurisdiction, even if an uncovered jurisdiction enacts them. It cites United States v. Board of Comm'r's of Sheffield, Ala., 90 S. Ct. 965 (1978), as authority. However, Sheffield involved the question of whether § 5 applies to any entity (city of Sheffield) exercising control over the election process within a covered state (Alabama). The Court's concern was focused on the fact that the purpose of the Voting Rights Act could be frustrated by covered states "which in the past had been so ingenious in their defiance of the spirit of federal law" if the Act did not apply to all entities within the covered states having power over any aspect of the electoral process within those states. Id. at 121. Here the State of California is not a covered jurisdiction and, therefore, the concern about "ingenious defiance" of federal policy does not exist. The State has not been determined to be suspect under the Voting Rights Act.

2. Superseding Changes In California Law Have Converted The County's Judicial Election Scheme Into A State Plan Thus Eliminating The Need For Preclearance

The California Constitution states that "(e)ach county shall be divided into municipal court districts as provided by statute...." Cal. Const. Art. 6, § 5(a).² It further provides that "(t)he Legislature shall provide for the organization and prescribe the jurisdiction of municipal courts." Cal. Const. Art. 6, §5(c).³ In 1979, California Government Code section 73560 was amended to establish that

There is the County of Monterey, on and after the effective date of this section, a single municipal court district which embraces the former Salinas Judicial District, Monterey Peninsula Judicial District and North Monterey County Judicial District. This article applies to the municipal court established within the judicial district which shall be known as the Monterey County Judicial Court.

By this amendment to section 73560, the State, pursuant to its constitutional authority, established a single municipal court district. This is confirmed by the Legislative Counsel's Digest of the bill containing the amendment which states: "(t)his bill would repeal the existing provisions relative to the municipal court in Monterey County and enact new provisions establishing a single judicial district for the municipal court in Monterey

²Before the 1995 amendment, section 5(a) provided that "(e)ach county shall be divided into municipal court and justice court districts as provided by statute...."

³Before the 1995 amendment, section 5(c) stated that "(t)he Legislature shall provide for the organization and prescribe the jurisdiction of municipal and justice courts."

County...." The amendment implemented a change from the previously established districts and revised the number, classification and compensation of specified personnel in the municipal courts.

Prior to the 1979 amendment to section 73560, a number of county ordinances did consolidate judicial districts. Government Code section 71040 and 71042 permit county boards of supervisors to consolidate judicial districts. However, by the amendment to section 73560 in 1979, the State clearly dictated that Monterey County would have a single municipal court district. As of that date, the County had the one consolidated municipal court district dictated by the State and two justice court districts. The impetus behind consolidation in the County appears to have been the 1972 report of the California Judicial Council which recommended a single, consolidated county-wide judicial district to better effect state policies. See Letter dated August 18, 1972 from Chief Justice of California and Chairman of the Judicial Council to Chairman of the Board of Supervisors including staff study.

In 1983, the State amended Government Code section 73562 to increase the number of judges in the Monterey County Municipal Court District from seven to nine, contingent upon consolidation of that district with the two existing justice court districts. The State submitted this amendment (1983 Cal. Stats. ch. 1249) for preclearance. The Department of Justice requested additional information. After submission of the requested material, the Attorney General interposed no objection. The same year the County, after a required public hearing, effected the consolidation by adoption of Ordinance 2930. The State's submission served to preclear Ordinance 2930. See 28 C.F.R. § 51.14(1981); 28 C.F.R. § 51.15(a) (1987). Thus, as of 1983, Monterey County had one county-wide municipal court district. In 1985, the State enacted an amendment to section 73562 increasing the number of municipal court judges to nine. the Legislative Counsel's

Digest noted that the consolidation contingency had been met justifying the increase. An amendment to section 73560 in 1989, which increased the number of municipal court judges to ten, observed that "the Monterey County Municipal Court District... encompasses the entire County of Monterey."⁴

Even if the State had not precleared Ordinance 2930, the justice courts as they existed prior to consolidation could not exist today since California converted justice courts into municipal courts by amendment to the State Constitution as of January 1, 1995. See Cal. Const. Art. 6, § 5. Further, the justice court districts presumably could not have been made municipal court districts because "(e)ach municipal court district shall have no fewer than 40,000 residents; provided that each county shall have at least one municipal court district." Cal. Const. Art. 6, § 5(a). Therefore, when the Constitution was amended, the two justice courts would necessarily have become part of the Monterey County Municipal Court District.

Since the State enacted or precleared the laws establishing the county-wide district and thus county-wide voting, the question arises as to whether § 5 still applies because the County "seek(s) to administer" a voting change by holding an election pursuant to the non-covered State plan. In

⁴The State argues that the amendment to Government Code section 73560 in 1989 set up the one municipal court district. Section 73560 as amended in 1989 reads: "This article applies to the Monterey County Municipal Court District, which encompasses the entire County of Monterey." The amended statute appears to merely acknowledge what already existed in Monterey County. It did not create the one county-wide district. The district was created by the 1979 amendment to section 73560 and County Ordinance 2930. However, the 1979 amendment did not need preclearance, and Ordinance 2930 was precleared.

Young v. Fordice, 117 S.Ct. 1228 (1997), the Court held that Mississippi, a § 5 covered jurisdiction, has to submit for preclearance the voter registration procedures it intended to administer in order to comply with the National Voter Registration Act. In the present case, however, plaintiffs are not objecting to any particular procedural plan by which the County intends to administer voting for a county-wide district. They are objecting to the consolidation itself. Although neither the Voting Rights Act nor any case specifically defines "seek(s) to administer," it is clear that it must involve some exercise of policy choice and discretion by the covered jurisdiction. See id. The County, as a subordinate jurisdiction of the State, lacks the discretion to choose a voting plan that does not involve a county-wide district.

B. STATE'S MOTION TO VACATE ORDER EXTENDING JUDICIAL TERMS

On September 25, 1996, this court granted plaintiffs' motion to extend the terms of incumbent judges "whose terms would otherwise expire in January 1997...until an election is held or further order of this court." September 25, 1996 Order at 2:19-20. The State submits that the order should be vacated. The court agrees. Since the court has decided that plaintiffs' complaint should be dismissed, it no longer has a basis for enjoining elections or extending terms. Although eight incumbent judges whose terms have expired will immediately become "holdovers," they will hold office until a successor is elected and qualifies or the governor appoints a successor. See Govt. Code §§ 71145 and 71180. The court is mindful of the presiding judge's concern about stability of the Municipal Court but does not believe it should further delay the County from proceeding in accordance with State-enacted policy.

III. ORDERS

The State's motion to dismiss plaintiffs' second

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amended complaint is granted. The court's September 25, 1996 order extending terms of incumbent judges is vacated and those terms, therefore, expire on the date of this order. Judgment shall be entered on the second amended complaint in favor of defendant State and provide that plaintiffs are not entitled to any of the declaratory and injunctive relief they request. Pursuant to plaintiffs' request, the court retains jurisdiction to decide any application for attorneys' fees previously submitted or to be timely submitted by plaintiffs pursuant to Civil Local Rule 54-5.

Plaintiffs also request that this order be stayed pending application to the Supreme Court for a stay pending the outcome of any appeal. The court declines to enter a stay as that would affect the County's ability to comply with the filing periods for the direct primary to be held on June 2, 1998.

Dated: 12/19/97

- /s/
Three Judge Panel, by
Ronald M. Whyte
United States District Judge

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FILED
December 19, 1997
Richard W. Wieking
Clerk, U.S. District Court
Northern District of California
San Jose

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICKY M. LOPEZ,	)	NO. C-91-20559-RMW
CRESCENCIO	)	(EAI)
PADILLA, WILLIAM)	
A. MELENDEZ,)	
JESSE G. SANCHEZ,)	
and DAVID SERENA,	)	JUDGMENT
	)	OF DISMISSAL
Plaintiffs,)	
)	
v.)	
MONTEREY)	
COUNTY,)	
CALIFORNIA,)	
STATE OF)	
CALIFORNIA,)	
Defendants,)	
WENDY DUFFY, in)	
her official capacity as)	
Presiding Judge of the)	
Monterey County)	
Municipal Court District,)	
Intervenor.		

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On December 19, 1997, the court granted the motion of the State of California to dismiss plaintiffs' first amended complaint. Therefore,

IT IS HEREBY ORDERED that the first amended complaint is dismissed and judgment is entered against plaintiffs and in favor of defendants State of California and County of Monterey. Plaintiffs are not entitled to the declaratory and injunctive relief they seek. Any applications for costs or attorneys' fees may be filed in accordance with the Civil Local Rules and the Federal Rules of Civil Procedure.

Dated: 12/19/97

/s/
Three Judge Panel, by
Ronald M. Whyte
United States District Judge

Entered December 22, 1997

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Original
FILED
December 24, 1997
Richard W. Wiering
Clerk, U.S. District Court
Northern District of California
San Jose

Attorneys for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICKY M. LOPEZ,)	
CRESCENCIO	)	NO. C-91-20559-RMW
PADILLA, WILLIAM	)	(EAI)
A. MELENDEZ,)	
and DAVID SERENA,	)	Voting Rights Action
	)	Three Judge Court
Plaintiffs,)	
	)	- Circuit Judge Mary M.
v.	)	Schroeder
MONTEREY	)	District Judge James
COUNTY,	)	Ware
CALIFORNIA,	)	District Judge Ronald
STATE OF	)	M. Whyte
CALIFORNIA,)	
Defendants,)	
WENDY DUFFY, in)	
her official capacity as)	
Presiding Judge of the)	
Monterey County)	
Municipal Court)	
District,)	
)	
<u>Intervenor.</u>		

NOTICE OF APPEAL TO THE SUPREME COURT
OF THE UNITED STATES

Notice is hereby given that Vicky M. Lopez, Crescencio Padilla, William A. Melendez and David Serena, the plaintiffs

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above-named, appeal to the Supreme Court of the United States from the Order Granting: (1) Motion to Dismiss First Amended Complaint and (2) Motion to Vacate Order Extending Judicial Terms and the Judgment of Dismissal filed in this action on December 19, 1997 and entered on December 22, 1997.

This appeal is taken pursuant to Title 28, United States Code, Sections 1253 and 1291 and Title 42, United States Code, Section 1973c.

Dated: December 24, 1997

Joaquin G. Avila
Barbara Y. Phillips
Robert Rubin
Denise M. Hulett

By: _____/s/
Nancy M. Stuart

Attorneys for Plaintiffs

§ 1973c. Alteration of voting qualifications and procedures; action by State or political subdivision for declaratory judgment of no denial or abridgement of voting rights; three-judge district court; appeal to Supreme Court

Whenever a State or political subdivision with respect to which the prohibitions set forth in section 1973b(a) of this title based upon determinations made under the first sentence of section 1973b(b) of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, or whenever a State or political subdivision with respect to which the prohibitions made under the second sentence of section 1973b(b) of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1968, or whenever a State or political subdivision with respect to which the prohibitions set forth in section 1973b(a) of this title based upon determinations made under the third sentence of section 1973b(b) of this title are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972, such as State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 1973b (f)(2) of this title, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure

may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General's failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of Title 28 and any appeal shall lie to the Supreme Court.

CALIFORNIA GOVERNMENT CODE

§ 73562. Judges

There * * * shall be 10 judges of the Monterey County Municipal Court District.

(Amended by Stats.1993, c. 1091 (A.B.2207), § 38.)

CALIFORNIA GOVERNMENT CODE

§ 25200. Division of county into districts; creation of districts

The board of supervisors may divide the county into election, school, road, supervisorial, sanitary, and other districts required by law, change their boundaries, and create other districts, as convenience requires.

§ 71040. Creation; changes; restrictions

As public convenience requires, the board of supervisors shall divide the county into judicial districts for the purpose of electing judges and other officers of municipal and justice courts, and may change district boundaries and create other districts. No city or city and county shall be divided so as to lie within more than one district.

CHAPTER 1476

An act providing for the constitution of the municipal court in a district embracing the Cities of Carmel and Monterey, and prescribing the number and compensation of the judges, officers and attaches thereof.

[APPROVED BY GOVERNOR JULY 12, 1951. Filed with Secretary of State July 13, 1951.]

The people of the State of California do enact as follows:

SECTION 1. The municipal court established in a district embracing the Cities of Carmel and Monterey shall be constituted, and the judges, officers and attaches thereof shall receive compensation, as follows:

(1) There shall be one judge, who shall receive eight thousand dollars (\$8,000) per annum, payable in equal monthly installments.

1238

STATUTES OF CALIFORNIA

[Ch. 206]

CHAPTER 206

An act to add Title 8 to the Government Code, to consolidate and revise the law relating to a system of courts of the State and judges, officials, attaches and employees thereof, to repeal acts as parts of acts specified therein, and to amend Sections 61.4, 269, and 274c of the Code of Civil Procedure, to repeal Section 36 of the Code of Civil Procedure, and to add Section 3020.5 to the Government Code.

*In effect
September
9, 1953*

[APPROVED BY GOVERNOR APRIL
13, 1953. Filed with
Secretary of State April 15, 1953.]

The people of the State of California do enact as follows:

SECTION 1. Title 8 is added to the Government Code, to read:

TITLE 8. THE ORGANIZATION AND
GOVERNMENT OF COURTS

[page] 1308 STATUTES OF CALIFORNIA [Ch. 206]

Article 7. Carmel and Monterey

73560. This article applies to the municipal court established in a district embracing the Cities of Carmel and Monterey.

73561. There shall be one judge, who shall receive eight thousand dollars (\$8,000) annually.

[Ch. 206 1953 REGULAR SESSION [page] 1323]

Article 22. Salinas

74220. This article applies to the municipal court established in a district embracing the City of Salinas.

74221. There shall be one judge, who shall receive eight thousand dollars (\$8,000) annually.

2118 STATUTES OF CALIFORNIA [Ch. 908]
CHAPTER 908

An act to amend Sections 74221, 74222, 74223, 73562 and 73563 of the Government code, relating to municipal courts in Monterey County.

[Approved by Governor June 8, 1957. Filed with Secretary of State June 8, 1957.]

The people of the State of California do enact as follows:

SECTION 1. Section 74221 of the Government Code is amended to read:

74221. There shall be two judges.

3616 STATUTES OF CALIFORNIA [Ch. 1344]
CHAPTER 1344

An act to amend Section 73561 of the Government code, relating to the number of judges in the municipal court in the district embracing the Cities of Carmel and Monterey.

[Approved by Governor June 30, 1959. Filed with Secretary of State July 1, 1959.]

The people of the State of California do enact as follows:

SECTION 1. Section 73561 of the Government Code is amended to read:

73561. There shall be two judges.

CHAPTER 944

An act to amend Sections 73561 and 74001 of the Government Code, relating to municipal courts.

[Approved by Governor August 16, 1972. Filed with Secretary of State August 16, 1972.]

The people of the State of California do enact as follows:

SECTION 1. Section 73561 of the Government Code is amended to read:

73561. There shall be three judges.

CHAPTER 1312

An act to amend Section 74221 of the Government Code, relating to municipal courts.

[Approved by Governor September 25, 1974. Filed with Secretary of State September 25, 1974.]

The people of the State of California do enact as follows:

Ch. 1314] STATUTES OF 1974 [page] 2865

SECTION 1. Section 74221 of the Government Code is amended to read:

74221. There shall be three judges.

1975-1976

REGULAR SESSION

Ch. 966

MUNICIPAL COURTS-MONTEREY COUNTY
CHAPTER 966

ASSEMBLY BILL NO. 336

An act to repeal and add Article 7 (commencing with Section 73560), and to repeal Article 22 (commencing with Section 74220) of Chapter 10 of Title 8 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

Existing law makes provision for a municipal court embracing the Cities of Carmel and Monterey and for a municipal court em- [page] 2541

Ch. 966 STATUTES AND CODE AMENDMENTS

bracing the City of Salinas and prescribe various duties, salaries, and also compensation schedules for the officers, employees and attaches of the court.

This bill would revise such provisions to create a single statutory scheme for municipal courts in Monterey County. The former Carmel-Monterey district would also embrace the Cities of Seaside, Sand City and Del Rey Oaks, while the jurisdiction of the Salinas district would not be changed. Various revisions would be made in regard to the organization of such municipal court districts, as well as in the compensation and salary schedules of the officers, attaches and employees of the court.

This bill would also provide that no appropriation is made by the bill nor shall any reimbursement be made for any other costs incurred by any local government entity pursuant to the bill for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 73560) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 2 Article 7 (commencing with Section 73560) is added to Chapter 10 of Title 8 of the Government Code, to read:

ARTICLE 7. MUNICIPAL COURTS IN THE COUNTY OF MONTEREY 73560.

This article applies to municipal courts established in the following judicial districts in the County of Monterey.

(a) A district embracing the Cities of Monterey, Carmel, Seaside, Sand City, and Del Rey Oaks designated as the Monterey-Carmel Judicial District;

(b) A district embracing the City of Salinas designated as the Salinas Judicial District.

73561.

Each of the municipal court districts established in the County of Monterey shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Monterey-Carmel Judicial District	3
Salinas Judicial District	3

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1977-1978

REGULAR SESSION

Ch. 995

MUNICIPAL COURTS-MONTEREY COUNTY-OFFICERS
AND EMPLOYEES

CHAPTER 995

ASSEMBLY BILL NO. 1787

An act to amend Sections 73560, 73561, 73561.2, 73562, 73563, 73564, 73565 and 73566 of, and to repeal Sections 74221.1 and 74221.2 of, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

Existing law authorizes the establishment of 2 municipal court districts in Monterey County.

This bill would authorize the establishment of the North Monterey County Judicial District, would provide for the number of compensation of various personnel, and would provide that the officers and employees of the Castroville-Pajaro Judicial District shall succeed to position in the North Monterey County Judicial District.

Existing law prescribes the number of, and compensation for, other municipal court employees in Monterey County.

This bill would increase the number of, and compensation for, specified personnel in the other municipal court in Monterey County.

Existing law specifies that there shall be 2 court commissioners for the Salinas Judicial District.

This bill would repeal such provisions.

The bill would also provide that no appropriation or reimbursement shall be made because the act is in accordance with the request of a local government entity or entities which desire authority to act pursuant to the act.

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Ch. 995

STATUTES OF 1977

The people of the State of California do enact as follows:

SECTION 1. Section 73561 of the Government Code is amended to read: 73560.

This article applies to all of the municipal courts established *** in the County of Monterey, which are in judicial districts entitled as follows: The Monterey Peninsula Judicial District, the Salinas Judicial District, and the North Monterey County Judicial District. ***

SEC. 2. Section 73561 of the Government Code is amended to read: 73561.

Each of the municipal court districts established in the County of Monterey shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Monterey *** Peninsula Judicial District	3
Salinas Judicial District	3
North Monterey County Judicial District	1

[deletions by asterisks ***]
[page] 2908

Ch. 694

STATUTES OF 1979

MUNICIPAL COURTS-MONTEREY COUNTY

CHAPTER 694

ASSEMBLY BILL NO. 628

An act to amend Section 74693 of, and to repeal and add Article 7 (commencing with Section 73560) of Chapter 10 of Title 8 of, the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

Existing law establishes the judicial districts for the municipal court in Monterey County and prescribes the number, classification, and compensation of municipal court personnel in Monterey and Santa Cruz Counties.

This bill would repeal the existing provisions relative to the municipal court in Monterey County and enact new provisions establishing a single judicial district for the municipal court in Monterey County, and revise the number, classification, and compensation of specified personnel in the municipal courts in Monterey and Santa Cruz Counties. The bill also would require the Board of Supervisors of Monterey County to fix the compensation of official court reporters pro tempore of the municipal court in Monterey County at the rate of \$55 per diem and would authorize the supervisors to adjust such rate.

Under existing law Section 2231 and 2234 of the Revenue and Taxation Code provide that the state shall reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

This bill provides that no appropriation is made by this

act pursuant to Section 2231 or 2234 for a specified reason, but recognizes that local agencies and school districts may pursue their other available remedies to seek reimbursement for these costs.

The people of the State of California do enact as follows:

SECTION 1. Article 7(commencing with Section 73560) of Chapter 10 of the Title 8 of the Government Code is repealed.

SEC. 2. Article 7 (commencing with Section 73560) is added to Chapter 10 of Title 8 of the Government Code, to read:

ARTICLE 7. MONTEREY COUNTY

73560.

There is in the County of Monterey, on and after the effective date of this section, a single municipal court district which embraces the former Salinas Judicial District, Monterey Peninsula Judicial District and North Monterey County Judicial District. This article applies to the municipal court established within the judicial district which shall be known as the Monterey County Municipal Court.

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Ch. 1249

STATUTES OF 1983

MUNICIPAL COURTS-SAN JOAQUIN, MONTEREY AND SAN DIEGO COUNTIES

Senate Bill No. 676

CHAPTER 1249

An act to amend Section 73481 73562, 73565, 73566, 73567, 73568, 73643, 73953, 73959.2, 74343, 74343.4, 74361, 74364 and 74743 of, and to repeal Section 73481.5 of, the Government Code, relating to courts.

[Approved by Governor September 29, 1983. Filed with Secretary of State September 30, 1983.]

LEGISLATIVE COUNSEL'S DIGEST

SB 676, Mello. Courts: San Joaquin, Monterey, and San Diego Counties.

(1) Existing law provides for one judge and one court commissioner for the Lodi Municipal Court District.

This bill would increase the number of judges of the Lodi Municipal Court from 1 to 2, and repeal the authorization for a court commissioner for that district.

(2) Existing law provides for 7 judges of the Monterey County Municipal Court District.

This bill would increase the number of judges of the Monterey County Municipal Court District from 7 to 9, contingent upon consolidation of that district with specified justice court districts.

(3) Existing law specifies the number, compensation and classification of municipal court personnel in Monterey and San Diego Counties.

This bill would revise the number, compensation and classification of municipal court personnel in Monterey and San

Diego Counties.

(4) Article XIII B of the California Constitution and Section 2231 and 2234 of the Revenue and Taxation Code require the state to reimburse local agencies and school districts for certain costs mandated by the state. Other provisions require the Department of Finance to review statutes disclaiming these costs and provide, in certain cases, for making claims to the State Board of Control for reimbursement.

However, this bill would provide that no appropriation is made and no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 73481 of the Government Code is amended to read:

[page] 7254 73481. There shall be two judges.

1983-1984 REGULAR SESSION

Ch. 1249

SEC. 2. Section 73481.5 of the Government Code is repealed.

SEC. 3. Section 73562 of the Government Code is amended to read:

73562 There shall be seven judges of the Monterey County Municipal Court District, provided, that at such time as the Central and Southern Justice Court District are consolidated with the Monterey County Municipal Court District, there shall be nine judges of the Monterey County Municipal Court District.

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1985-1986 REGULAR SESSION Ch. 659

MONTEREY COUNTY MUNICIPAL COURT DISTRICT-
CONSOLIDATION-PERSONNEL

Senate Bill No. 1245

CHAPTER 659

An act to amend Section 73562, 73563, 73566, and 73568 of the Government Code, relating to courts.

[Approved by Governor September 16, 1985. Filed with Secretary of State September 17, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1245, Mello. Courts.

(1) Existing law provides for 7 judges of the Monterey County Municipal Court District, however, upon a specified consolidation of judicial districts, there shall be 9 judges. That consolidation has occurred, raising the number of judges of the Monterey County Municipal Court District from 7 to 9.

This bill would amend those provisions to reflect that consolidation.

(2) Existing law provides for the number, compensation and classification of municipal court personnel of the Monterey County Municipal Court District.

This bill would revise the number, classification, compensation, and duties of the personnel of the Monterey County Municipal Court District, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the

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state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 73562 of the Government Code is amended to read:

73562. There shall be nine judges of the Monterey County Municipal Court District. [page] 250

Ch. 1211

STATUTES OF 1987

4315

CHAPTER 1211

An act to repeal Section 1141.105 of the Code of Civil Procedure, to amend Sections 69103, 69104, 69105, 69106, 69582, 69585.5, 69586, 69587, 69590.7, 69591, 69592, 69593, 69594, 69595, 69598, 69599, 69600, 69608, 69610, 69613, 69614, 69615, 72602.3, 72602.4, 72602.5, 72602.12, 72602.20, 73101.5, 73562, 73702, 73951, 74131, 74341, 74661, 74691, 74781, 74831, 74901, 77001, 77200, 77201, 77202, 77301, and 77400 of, to add Sections 69605.5, 77002, 777206, 77207, and 77502 to, to repeal and add Section 74921 of, and Article 7 (commencing with Section 77600) of Chapter 13 of Title 8 of, and to repeal Section 77403 of, the Government Code, to amend Section 1078 of, and to add Section 1387.1 to, the Penal Code, to amend Section 97.98, and 11005 of, and to add Section 97.35 to, the Revenue and Taxation Code, and to amend Section 23 of Chapter 1607 of the Statutes of 1985, relating to

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STATUTES OF 1987

[Ch. 1211]

fiscal affairs, and making an appropriation therefor.

[Approved by Governor September 27, 1987. Filed with Secretary of State September 27, 1987.]

The people of the State of California do enact as follows:

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STATUTES OF 1987

[Ch. 1211]

SEC. 30. Section 73562 of the Government Code is amended to read:

73562. There shall be nine judges of the Monterey County Municipal Court District. However, if the board of

supervisors finds there are sufficient funds for an additional judge and adopts a resolution to that effect, there shall be 10 judges.

J.S. App. 40

Ch. 608

STATUTES OF 1989

2047

CHAPTER 608

An act to amend Sections 73560, 73562, 73565, 73566, 73567, 73568, 74691, 74693, and 74693.1 of the Government Code, relating to courts.

[Approved by Governor September 20, 1989. Filed with Secretary of State September 21, 1989.]

The people of the State of California do enact as follows:

SECTION 1. Section 73560 of the Government Code is amended to read:

73560. This article applies to the Monterey County Municipal Court District, which encompasses the entire County of Monterey.

SEC. 2. Section 73562 of the Government Code is amended to read:

73562. There are 10 judges of the Monterey County Municipal Court District.

J.S. App. 41

Assembly Bill No. 2207

CHAPTER 1091

An act to amend Sections 69893.5, 69900, 69994.2, 70045.77, 72607, 72608, 72609, 72627.5, 72646, 72703, 72704, 72704.5, 72763, 72764, 72766, 72767, 72770, 72771, 72777, 72778, 72779, 72780, 72782, 72784, 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73086, 73089, 73096, 73346, 73348, 73351, 73354, 73358, 73484, 73485, 73487, 73489, 73562, 73565, 73566, 73567, 73568, 73601, 73602, 73682, 73683, 73684, 73691, 73692, 73705, 73706, 73710, 73713, 73715, 73793, 73794, 73796, 73797, 73798, 74023, 74030, 74134, 74136, 74138, 74141, 74143, 74191.7, 74192, 74193, 74201, 74207, 74208, 74502, 74503, 74504, 74607, 74642, 74643, 74644, 74645, 74693, 74705, 74708, 74803, 74805, 74807, 74808, 74809, 74905, 74907, 74909, 74912, 74921.9, 74921.10, 74921.11, 74937, 74940, 74953, 74954, 74954.5, 74955, 74956, 74984, 74985, 74986, and 74987 of, to add Sections 72771.1, 72778.1, and 73357 to, to repeal and add Sections 73353 and 73773 of, and to repeal Sections 73703, 73717, and 74807.6 of, the Government Code, relating to courts.

[Approved by Governor October 10, 1993. Filed with Secretary of State October 11, 1993.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2207, Committee on Judiciary. Courts.

(1) Existing law provides for the number, classification, and compensation of various municipal court personnel in Alameda, Butte, Contra Costa, El Dorado, Fresno, Los Angeles, Marin, Merced, Monterey, Napa, Placer, Riverside, Sacramento, San Joaquin, San Luis Obispo, Santa Barbara, Santa Cruz, Shasta, Sonoma, Tulare, and Ventura Counties and the City and County of San Francisco, and provides for the number, classification, and compensation of various superior court personnel in El Dorado and Sacramento Counties and the City

and County of San Francisco.

This bill would revise the number, classification, and compensation of various municipal court personnel in Alameda, Butte, Contra Costa, El Dorado, Fresno, Los Angeles, Marin, Merced, Monterey, Napa, Placer, Riverside, Sacramento, San Joaquin, San Luis Obispo, Santa Barbara, Santa Cruz, Shasta, Sonoma, Tulare, and Ventura Counties and the City and County of San Francisco, and provides for the number, classification, and compensation of various superior court personnel in El Dorado and Sacramento Counties and the City and County of San Francisco, thereby imposing a state-mandated local program by requiring a higher level of service under an existing program.

(2) Existing law provides that the present incumbents of judicial positions in the Manteca-Ripon-Escalon-Tracy Judicial District, de jure or de facto, or their successors, shall succeed to the judicial

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— 2 —

positions created under other provisions of law, as specified.

This bill would eliminate that provision.

(3) This bill would set forth findings of the Legislature regarding the review of changes in the number and compensation of municipal court employees. The bill would direct the Judicial Council to review the procedures now governing municipal court staffing legislation, and would require the Judicial Council to report to the Legislature on options for revision on or before January 1, 1994.

(4) This bill would incorporate additional changes in Sections 69893.5 and 74191.7 of the Government Code proposed by AB 480, contingent on its prior enactment.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by

this act for a specified reason.

The people of the State of California do enact as follows:

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SEC. 38. Section 73562 of the Government Code is amended to read:

73562. There shall be 10 judges of the Monterey County Municipal Court District.

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Ordinance No. 1347 Adopted -)
Changing Boundaries of)
Judicial Districts.)

Ordinance No. 1347, being an ordinance changing the boundaries of Judicial Districts and thereby abolishing Bradley, Cholame, Peachtree, San Antonio and San Ardo Judicial Townships, and changing the boundaries of the other judicial townships in the County of Monterey, is adopted and ordered published by the following vote, to-wit:

AYES: Supervisors Deaver, Atteridge,
 Henry and Echeberria.

NOES: None.

ABSENT: Supervisor Hudson.

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, EMMET G. McMENAMIN, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 16, on the 30th day of March, 1964, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 30th day of March, 1964.

EMMET G. McMENAMIN,
County Clerk and ex-officio Clerk of the
Board of Supervisors, County of
Monterey, State of California.

By _____ /s/
Deputy.

ORDINANCE NO. 1347
AN ORDINANCE CHANGING THE BOUNDARIES OF
JUDICIAL DISTRICTS.

The Board of Supervisors of the County of Monterey do ordain as follows:

SECTION 1.

The Bradley, Cholame, Peachtree, San Antenio and San Ardo Judicial Townships are abolished, and the boundaries of the other judicial townships in the County of Monterey are changed, so that the county may be, and it is hereby, divided into judicial districts having the boundaries and names hereinafter prescribed.

SECTION 2.

(1) The Salinas Judicial District is bounded as follows: [metes and bounds description omitted]

SALINAS JUDICIAL DISTRICT
[metes and bounds description omitted]

(2) The Monterey-Carmel Judicial District is bounded as follows:

[metes and bounds description omitted]

(3) The Pajaro Judicial District is bounded as follows: [metes and bounds description omitted]

(4) The Castroville Judicial District is bounded as follows: [metes and bounds description omitted]

(5) The Pacific Grove Judicial District is bounded as follows:

All of the territory included within the corporate limits of the City of Pacific Grove, California.

(6) follows: The Gonzales Judicial District is bounded as [metes and bounds description omitted]

(7) follows: The Soledad Judicial District is bounded as [metes and bounds description omitted]

(8) follows: The Greenfield Judicial District is bounded as [metes and bounds description omitted]

(9) follows: The King City Judicial District is bounded as [metes and bounds description omitted]

(10) follows: The San Ardo Judicial District is bounded as [metes and bounds description omitted]

SECTION 3.

Ordinance No. 763 of the County of Monterey, passed May 1, 1951 and entitled, "An Ordinance for the Creation and Establishment of Municipal Justice Courts Within the County of Monterey, The Boundaries thereof, and the Number of Judges of Each Court," and Ordinance No. 796, passed April 14, 1952, amending the same, are repealed.

PASSED AND ADOPTED this 30th day of March, 1964 by the following vote:

Aye: Supervisor Deaver, Atteridge, Henry, Echeberria.

No: None.

Absent: Supervisor Hudson.

/s/

Chairman of the Board of Supervisors
of the County of Monterey

Attest:

Emmet G. McMenamin

Clerk of said Board

By _____ /s/

Deputy

Before the Board of Supervisors in and for the
County of Monterey, State of California

Ordinance No. 1597 Adopted -)
Amending Ordinance No. 1347,)
Changing Boundaries of)
Judicial Districts)

Ordinance No. 1597, being an ordinance amending Ordinance No. 1347, thereby amending subdivision (3) of section 2 relating to the boundaries of the Castroville-Pajaro Judicial District and repealing subdivision (4) of Section 2 thereof, is hereby adopted and ordered published by the following vote, to-wit:

AYES: Supervisors Atteridge, Smith and Branson.
NOES: Supervisors Church and Wood.
ABSENT: None.

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, EMMET G. McMENAMIN, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 22, on the 26th day of March, 19 68, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 26th day of March, 19 68.

EMMET G. McMENAMIN,
County Clerk and ex-officio Clerk of the
Board of Supervisors, County of
Monterey, State of California.

By _____ /s/
Deputy.

ORDINANCE NO. 1597

AN ORDINANCE AMENDING ORDINANCE NO. 1347,
CHANGING THE BOUNDARIES OF JUDICIAL
DISTRICTS.

The Board of Supervisors of the County of Monterey do ordain as follows:

SECTION 1.

Ordinance No. 1347, passed and adopted March 30, 1964, is amended by amending subdivision (3) of section 2 thereof to read as follows:

(3) The Castroville-Pajaro Judicial District is bounded as follows: [metes and bounds description omitted]

SECTION 2.

Said Ordinance No. 1347 is further amended by repealing subdivision (4) of Section 2 thereof.

PASSED AND ADOPTED this 26th day of March, 1968, by the following vote:

AYES: Supervisors Atteridge, Smith and Branson.
NOES: Supervisors Church and Wood.
ABSENT: None.

Attest:

Emmet G. McMenamin
Clerk of said Board

/s/
Chairman of the Board of
Supervisors of Monterey
County

By _____ /s/
Deputy

Before the Board of Supervisors in and for the
County of Monterey, State of California

Ordinance No. 1654 adopted,)
Amending Ordinance No. 1347,)
Changing Boundaries of)
Judicial Districts)

Ordinance No. 1654, being an ordinance amending Ordinance No. 1347, changing the boundaries of Judicial Districts, thereby amending subdivisions (1), (2) and (3) of Section 2 thereof relating to the Salinas Judicial District, the Monterey-Carmel Judicial District and the Castroville-Pajaro Judicial District is hereby adopted and ordered published on the motion of Supervisor Church, seconded by Supervisor Smith, and carried by the following vote, to-wit:

AYES: Supervisor Church, Wood, Smith and Branson.

NOES: None.

ABSENT: Supervisor Atteridge.

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, EMMET G. McMENAMIN, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 23, on the 11th day of March, 19 69, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 11th day of March, 19 69.

EMMET G. McMENAMIN,
County Clerk and ex-officio Clerk of the
Board of Supervisors, County of
Monterey, State of California.

By _____ /s/

Deputy.

ORDINANCE NO. 1654

AN ORDINANCE AMENDING ORDINANCE NO. 1347, CHANGING THE BOUNDARIES OF JUDICIAL DISTRICTS.

The Board of Supervisors of the County of Monterey do ordain as follows:

SECTION 1.

Ordinance NO. 1347, passed and adopted March 30, 1964, is amended by amending subdivision (1) of Section 2 thereof to read as follows:

(1) The Salinas Judicial District is bounded as follows:
[metes and bounds description omitted]

SECTION 2.

Said Ordinance No. 1347 is further amended by amending subdivision (2) of said Section 2 thereof to read as follows:

(2) The Monterey-Carmel Judicial District is bounded as follows: [metes and bounds description omitted]

SECTION 3.

Said Ordinance No. 1347 is further amended by amending subdivision (3) of said Section 2 thereof to read as follows:

(3) The Castroville-Pajaro Judicial District is bounded as follows: [metes and bounds description omitted]

PASSED AND ADOPTED this 11th day of March, 19 69, by the following vote:

AYES: Supervisor Church, Wood, Smith and Branson.

NOES: None.

ABSENT: Supervisor Atteridge.

Attest: Emmet G. McMenamin, Clerk

/s/
Chairman of the Board of
Supervisors of the County of Monterey

By /s/
Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Ordinance No. 1852 Adopted,)
Amending Ordinance No. 1347,)
Establishing the Boundaries)
of Judicial Districts)

Ordinance No. 1852, being an ordinance amending
Ordinance No. 1347, establishing the boundaries of Judicial
Districts, is hereby adopted and ordered published by the
following vote, upon motion of Supervisor Smith, seconded by
Supervisor Tavernetti, and carried, to wit:

AYES: Supervisor Church, Atteridge, Tavernetti and
Smith.

NOES: Supervisor Branson.

ABSENT: None.

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, ERNEST A. MAGGINI, County Clerk and ex-officio
Clerk of the Board of Supervisors of the County of Monterey,
State of California, hereby certify that the foregoing is a full,
true and correct copy of an original order of said Board of
Supervisors duly made and entered in the minutes thereof at
page -- of Minute Book 27, on the 1st day of February
, 1972, and now remaining of record in my office.

Witness my hand and the seal of said Board of
Supervisors this 1st day of February, 1972.

ERNEST A. MAGGINI,
County Clerk and ex-officio Clerk of the
Board of Supervisors, County of
Monterey, State of California.

By /s/
Deputy.

J.S. App. 54

ORDINANCE NO. 1852

AN ORDINANCE CHANGING THE BOUNDARIES OF
JUDICIAL DISTRICTS

The Board of Supervisors of the County of Monterey do
ordain as follows:

Ordinance No. 1347, passed and adopted March 30,
1964, is amended by amending Section 2 thereof to read as
follows: [metes and bounds description omitted]

Section 2.

(a) The Salinas Judicial District is bounded as follows:
[metes and bounds description omitted]

(b) The Monterey-Carmel Judicial District is bounded
as follows: [metes and bounds description omitted]

(c) The Castroville-Pajaro Judicial District is bounded
as follows: [metes and bounds description omitted]

(d) The Pacific Grove Judicial District is bounded as
follows: [metes and bounds description omitted]

(e) The Gonzales Judicial District is bounded as
follows: [metes and bounds description omitted]

(f) The Soledad Judicial District is bounded as follows:
[metes and bounds description omitted]

(g) The Greenfield Judicial District is bounded as
follows: [metes and bounds description omitted]

(h) The King City Judicial District is bounded as
follows: [metes and bounds description omitted]

(i) The San Ardo Judicial District is bounded as
follows: [metes and bounds description omitted]

PASSED AND ADOPTED the 1st day of
February, 19 72, by the following vote:

AYES: Supervisor Church, Atteridge, Tavernetti,
Smith.

NOES: Supervisor Branson.

ABSENT: None.

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/s/

Chairman of the Board of
Supervisors of the County of Monterey

ATTEST:

ERNEST A. MAGGINI,
Clerk of said Board.

By _____/s/
Deputy

Before the Board of Supervisors in and for the
County of Monterey, State of California

Ordinance No. 1917 Adopted,)
Amending Ordinance No. 1347,)
Changing the Boundaries of)
Judicial Districts)

Ordinance No. 1917, being an Ordinance amending Ordinance No. 1347, changing the boundaries of judicial districts, relating to the Soledad-Gonzales Judicial District is hereby adopted and ordered published by the following vote, upon motion of Supervisor Tavernetti, seconded by Supervisor Branson, and carried:

AYES: Supervisor Church, Atteridge, Tavernetti, Smith and Branson

NOES: None.

ABSENT: None.

COUNTY OF MONTEREY,)
STATE OF CALIFORNIA. } ss.

I, ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page ___ of Minute Book 28, on the 3rd day of October, 19 72, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 3rd day of October, 19 72.

ERNEST A. MAGGINI,

County Clerk and ex-officio Clerk of the Board of Supervisors, County of Monterey, State of California.

By _____ /s/
Deputy.

ORDINANCE NO. 1917

AN ORDINANCE AMENDING ORDINANCE NO. 1347,
CHANGING THE BOUNDARIES OF JUDICIAL
DISTRICTS

The Board of Supervisors of the County of Monterey do ordain as follows:

SECTION 1.

Ordinance No. 1347, passed and adopted March 30, 1964, is amended by amending subdivision (e) of section 2 thereof to read as follows:

(e) the Soledad-Gonzales Judicial District is bounded as follows: [metes and bounds description omitted]

SECTION 2.

Said Ordinance No. 1347 is further amended by repealing subdivision (f) of section 2 thereof.

PASSED AND ADOPTED this 3rd day of October, 1972, by the following vote:

AYES: Supervisor Church, Atteridge, Tavernetti, Smith and Branson

NOES: None.

ABSENT: None.

/s/

Chairman of the Board of
Supervisors of Monterey County

ATTEST:

ERNEST A. MAGGINI

Clerk of said Board

By _____ /s/
Deputy

Before the Board of Supervisors in and for the
County of Monterey, State of California

Ordinance No. 1999 Adopted,)
Amending Ordinance No. 1347,)
Changing the Boundaries of)
Judicial Districts)

Ordinance No. 1999, being an ordinance amending
Ordinance No. 1347, changing the boundaries of Judicial
Districts, is hereby adopted and ordered published by the
following vote, upon motion of Supervisor Atteridge, seconded
by Supervisor Church:

AYES: Supervisor Church, Atteridge, and Tavernetti.
NOES: None.

ABSENT: Supervisors Poyner and Branson.

COUNTY OF MONTEREY,)
STATE OF CALIFORNIA. } ss.

I, ERNEST A. MAGGINI, County Clerk and ex-officio
Clerk of the Board of Supervisors of the County of Monterey,
State of California, hereby certify that the foregoing is a full,
true and correct copy of an original order of said Board of
Supervisors duly made and entered in the minutes thereof at
page ____ of Minute Book 29, on the 13th day of
November, 19 73, and now remaining of record in my office.

Witness my hand and the seal of said Board of
Supervisors this 13th day of November, 19 73.

ERNEST A. MAGGINI,

County Clerk and ex-officio Clerk of the
Board of Supervisors, County of
Monterey, State of California.

By _____ /s/
Deputy.

ORDINANCE NO. 1999

AN ORDINANCE AMENDING ORDINANCE NO. 1347,
CHANGING THE BOUNDARIES OF JUDICIAL
DISTRICTS.

The Board of Supervisors of the County of Monterey do
ordain as follows:

SECTION 1.

Ordinance No. 1347, passed and adopted March 30,
1964, is amended by amending subdivision (h) of Section 2
thereof to read as follows:

(h) The King City-Greenfield Judicial District is
bounded as follows: [metes and bounds description omitted]

SECTION 2.

Said Ordinance No. 1347 is further amended by
repealing subdivision (g) of Section 2 thereof.

SECTION 3.

This ordinance shall be operative on and after January
1, 1974, PASSED AND ADOPTED this 13th day of
November, 1973, by the following vote:

AYES: Supervisors Church, Atteridge and Tavernetti.

NOES:

ABSENT: Supervisors Poyner and Branson.

/s/

Chairman of the Board of
Supervisors of Monterey County

ATTEST:

ERNEST A. MAGGINI

Clerk of said Board.

By _____ /s/
Deputy

Before the Board of Supervisors in and for the
County of Monterey, State of California

Ordinance No. 2138, Adopted,)
Amending Ordinance No. 1347)
Changing Boundaries of the)
Judicial District re: Marina)

Ordinance No 2138, having been introduced and the reading waived on January 6, 1976, and being an ordinance amending Ordinance No. 1347 changing the boundaries of Judicial Districts re: Marina is hereby adopted and ordered published by the following vote, upon motion of Supervisor Farr, and seconded by Supervisor Norris:

AYES: Supervisors Church, Norris, Petrovic, Poyner, Farr.

NOES: None.

ABSENT: None.

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 32, on the 13th day of January, 1976, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 13th day of January, 1976.

ERNEST A. MAGGINI,

County Clerk and ex-officio Clerk of the Board of Supervisors, County of Monterey, State of California.

By _____ /s/
Deputy.

ORDINANCE NO. 2138

AN ORDINANCE AMENDING ORDINANCE NO. 1347
CHANGING THE BOUNDARIES OF JUDICIAL
DISTRICTS.

The Board of Supervisors of the County of Monterey do ordain as follows:

Ordinance No. 1347, passed and adopted March 30, 1964, is amended by amending subdivision (a), (b) and (c) of Section 2 thereof to read as follows:

(a) The Salinas Judicial District is bounded as follows: [metes and bounds description omitted]

(b) The Monterey-Carmel Judicial District is bounded as follows: [metes and bounds description omitted]

(c) The Castroville-Pajaro Judicial District is bounded as follows: [metes and bounds description omitted]

PASSED AND ADOPTED this 13th day of January, 1976, by the following vote:

AYES: Supervisor Church, Norris, Petrovic, Poyner, Farr.

NOES: None.

ABSENT: None.

/s/

Chairman of the Board of
Supervisors of Monterey County

ATTEST:

ERNEST A. MAGGINI
Clerk of said Board.

By _____ /s/
Deputy

Before the Board of Supervisors in and for the
County of Monterey, State of California

Ordinance No. 2139, Adopted,)
An Ordinance Dividing the County)
of Monterey into Judicial Districts)
and Setting Forth the Boundaries of)
Said Districts)

Ordinance No 2139, having been introduced and the reading waived on January 6, 1976, and being an ordinance dividing the County of Monterey into Judicial Districts and setting forth the boundaries of said districts is hereby adopted and ordered published by the following vote, upon motion of Supervisor Petrovic, and seconded by Supervisor Farr:

AYES: Supervisors Church, Norris, Petrovic, Poyner, Farr.

NOES: None.

ABSENT: None.

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page __ of Minute Book 32, on the 13th day of January, 19 76, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 13th day of January, 19 76.

ERNEST A. MAGGINI,

County Clerk and ex-officio Clerk of the Board of Supervisors, County of Monterey, State of California.

By _____ /s/
Deputy.

ORDINANCE NO. 2139

AN ORDINANCE DIVIDING THE COUNTY OF MONTEREY INTO JUDICIAL DISTRICTS AND SETTING FORTH THE BOUNDARIES OF SAID DISTRICTS

The Board of Supervisors of the County of Monterey do ordain as follows:

Section 1.

The County of Monterey is hereby divided into Judicial Districts, the names and boundaries thereof being as hereinafter set out.

Section 2.

(a) The Monterey-Carmel Judicial District is bounded as follows: [metes and bounds description omitted]

(b) The Salinas Judicial District is bounded as follows: [metes and bounds description omitted]

(c) The Castroville-Pajaro Judicial District is bounded as follows: [metes and bounds description omitted]

[Soledad-Gonzales Judicial District][metes and bounds description omitted]

Section 3.

Ordinance No. 1347 changing the boundaries of Judicial Districts, passed and adopted March 30, 1964, is repealed to the extent and at the times hereinafter set forth.

Section 4.

This ordinance shall take effect thirty days after its adoption but shall not be operative until January 2, 1977, it being the intent of this ordinance to eliminate certain Judicial Districts, to wit: The Pacific Grove, King City-Greenfield and San Ardo Judicial Districts, insofar as the election of justice court judges for said districts in 1976 is concerned, but without affecting the term of any judge who is serving as such on the

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date of passage of this ordinance.

PASSED AND ADOPTED this 13th day of January, 1976, by the following vote:

AYES: Supervisors Church, Norris, Petrovic, Poyner, Farr.

NOES: None.

ABSENT: None.

/s/

Chairman of the Board of
Supervisors of Monterey County

ATTEST:

Ernest A. Maggini
Clerk of said Board.

By _____ /s/
Deputy

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Before the Board of Supervisors in and for the
County of Monterey, State of California

Ordinance No. 2195, Adopted, Amending)
Ordinance No. 2139, Dividing the)
County of Monterey into Judicial Dist-)
RICTS, re: the North Monterey County)
Judicial District)

Ordinance No 2195, having been introduced and the reading waived on July 20, 1976, and being an ordinance amending Ordinance No. 2139, dividing the County of Monterey into Judicial Districts, regarding the North Monterey County Judicial District, thereby changing the boundaries of the Monterey-Carmel and Castroville-Pajaro Judicial Districts, effective July 15, 1977, and changing the name of the Castroville-Pajaro Judicial District to the North Monterey County Judicial District, is hereby adopted and ordered published by the following vote, upon motion of Supervisor Church, and seconded by Supervisor Poyner:

AYES: Supervisors Church, Norris, Poyner, and Farr.

NOES: None.

ABSENT: None. Supervisor Petrovic abstains.

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 34, on the 10th day of August, 1976, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 10th day of August, 1976.

ERNEST A. MAGGINI,

County Clerk and ex-officio Clerk of the
Board of Supervisors, County of
Monterey, State of California.

By _____ /s/
Deputy.

ORDINANCE NO. 2195

AN ORDINANCE AMENDING ORDINANCE NO. 2139
DIVIDING THE COUNTY OF MONTEREY INTO
JUDICIAL DISTRICTS

The Board of Supervisors of the County of Monterey do
ordain as follows:

Section 1.

Ordinance No. 2139 passed and adopted January 13,
1976, is amended by amending subdivisions (a) and (c) of
Section 2 thereof to read as follows:

(a) The Monterey-Carmel Judicial District is bounded
as follows: [metes and bounds description omitted]

(c) The Castroville-Pajaro Judicial District is renamed
the North Monterey County Judicial District and is bounded as
follows: [metes and bounds description omitted]

Section 2.

This ordinance shall take effect thirty days after its
adoption but shall not be operative until July 1, 1977.

PASSED AND ADOPTED this 10th day of August,
1976, by the following vote:

AYES: Supervisors Church, Norris, Poyner, and Farr.

NOES: None.

ABSENT: None. Supervisor Petrovic abstains.

/s/

Chairman of the Board of
Supervisors of Monterey County

ATTEST:

Ernest A. Maggini
Clerk of said Board.

By _____ /s/
Deputy

Before the Board of Supervisors in and for
the County of Monterey, State of California

Ordinance No. 2212 Adopted,)
Amending Ordinance No. 2139, Dividing)
the County of Monterey into Judicial)
Districts, re: the Naming of the)
Judicial Districts.)

Ordinance No 2212, having been introduced and the reading waived on August 17, 1976, and being an ordinance amending Ordinance No. 2139, dividing the County of Monterey into Judicial Districts, re: the naming of the Judicial Districts is hereby adopted and ordered published upon motion of Supervisor Church, and seconded by Supervisor Farr and carried by the following vote, to-wit:

AYES: Supervisors Church, Norris, Poyner, and Farr.

NOES: Supervisor Petrovic

ABSENT: None.

COUNTY OF MONTEREY, - }
STATE OF CALIFORNIA. } ss.

I, ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page ___ of Minute Book 34, on the 7th day of September, 19 76, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 7th day of September, 19 76.

ERNEST A. MAGGINI,

County Clerk and ex-officio Clerk of the Board of Supervisors, County of Monterey, State of California.

By /s/
LINDA MOUNDAY,

Deputy

ORDINANCE NO. 2212

AN ORDINANCE AMENDING ORDINANCE NO. 2139
DIVIDING THE COUNTY OF MONTEREY INTO
JUDICIAL DISTRICTS

The Board of Supervisors of the County of Monterey do ordain as follows:

SECTION 1.

Ordinance No. 2139, passed and adopted January 13, 1976, dividing the County of Monterey into judicial districts and setting forth the boundaries of said districts is amended effective January 3, 1977, by amending subdivision (a) of Section 2 thereof to read as follows:

(a) The Monterey-Carmel Judicial District is renamed Monterey Peninsula Judicial District and is bounded as follows: [metes and bounds description omitted]

SECTION 2.

Said Ordinance No. 2139 is further amended effective July 1, 1977, by amending said subdivision (a) of said Section 2 thereof to read as follows:

(a) The Monterey Peninsula Judicial District is bounded as follows: [metes and bounds description omitted]

SECTION 3.

Said Ordinance No. 2139 is further amended effective January 3, 1977, by amending subdivision (b) of said Section 2 thereof to read as follows:

(b) The Salinas Judicial District is bounded as follows: [metes and bounds description omitted]

SECTION 4.

Said Ordinance No. 2139 is further amended effective January 3, 1977, by amending subdivision (d) of said Section 2 thereof to read as follows:

(d) The Soledad-Gonzales Judicial District is renamed the Central Judicial District and is bounded as follows: [metes and bounds description omitted]

SECTION 5.

Said Ordinance No. 2139 is further amended effective January 3, 1977, by adding subdivision (e) to Section 2 thereof to read as follows:

(e) The Southern Judicial District is bounded as follows: [metes and bounds description omitted]
PASSED AND ADOPTED this 7th day of September, 1976, by the following vote:

AYES: Supervisor Church, Norris, Poyner, Farr

NOES: Supervisor Petrovic

ABSENT: None

/s/
Chairman of the Board
of Supervisors of
Monterey County

ATTEST:

ERNEST A. MAGGINI
Clerk of Said Board

By /s/
Linda Mounday, Deputy

**Before the Board of Supervisors in and for
the County of Monterey, State of California**

Ordinance No. 2227 Adopted,)
Amending Ordinance Relating to)
the Judicial Districts in)
Monterey County)

Ordinance No. 2227, having been introduced and the reading waived on November 2, 1976, and being an ordinance amending Ordinance No. 2212, an ordinance amending No. 2139, dividing the County of Monterey into Judicial Districts, thereby amending the effective date of the previous ordinances to January 2, 1977, is hereby adopted and ordered published by the following vote, upon motion of Supervisor Norris, seconded by Supervisor Petrovic:

AYES: Supervisors Church, Norris, Petrovic, Poyner, and Farr.

NOES: None.

ABSENT: None.

COUNTY OF MONTEREY, }
STATE OF CALIFORNIA. } ss.

I, ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 34, on the 9th day of November, 1976, and now remaining of record in my office.

Witness my hand and the seal of said Board of Supervisors this 9th day of November, 1976.

ERNEST A. MAGGINI,
County Clerk and ex-officio Clerk of the
Board of Supervisors, County of
Monterey, State of California.

By /s/
Deputy.

ORDINANCE NO. 2227

**AN ORDINANCE AMENDING ORDINANCE NO. 2212,
AND ORDINANCE AMENDING NO. 2139 DIVIDING THE
COUNTY OF MONTEREY INTO JUDICIAL DISTRICTS.**

The Board of Supervisors of the County of Monterey do ordain as follows:

SECTION 1.

Ordinance No. 2212, passed and adopted September 7, 1976 which said ordinance amends Ordinance No. 2139 passed and adopted January 13, 1976, and being an ordinance dividing the County of Monterey into Judicial Districts, is amended by amending the first paragraph of Section 1 of said Ordinance No. 2212 to read as follows:

Ordinance No. 2139, passed and adopted January 13, 1976, dividing the County of Monterey into Judicial Districts and setting forth the boundaries of said districts, is amended effective January 2, 1977, by amending subdivision (a) of Section 2 thereof to read as follows:

SECTION 2.

Said Ordinance No. 2212 is further amended by amending the first paragraph of Section 3 of said Ordinance No. 2212 to read as follows:

Said Ordinance No. 2139 is further amended effective January 2, 1977, by amending subdivision (b) of said Section 2 thereof to read as follows:

SECTION 3.

Said Ordinance No. 2212 is further amended by amending the first paragraph of Section 4 of said Ordinance No. 2212 to read as follows:

Said Ordinance No. 2139 is further amended effective January 2, 1977, amending subdivision (d) of said

Section 2 thereof to read as follows:

SECTION 4.

Said Ordinance No. 2212 is further amended by amending the first paragraph of Section 5 of said Ordinance No. 2212 to read as follows:

Said Ordinance No. 2139 is further amended effective January 2, 1977, by adding subdivision (e) to Section 2 thereof to read as follows:

PASSED AND ADOPTED this 9th day of November, 1976, by the following vote:

AYES: Supervisors Church, Norris, Petrovic, Poyner, and Farr.

NOES: None.

ABSENT: None.

/s/

Chairman of the Board of
Supervisors of the County
of Monterey

ATTEST:

ERNEST A. MAGGINI
Clerk of Said Board

By /s/
[N. Lukenbill] Deputy

**Before the Board of Supervisors in and for
the County of Monterey, State of California**

Ordinance No. 2524 Adopted,)
Consolidating Municipal Court)
Judicial Districts in Monterey)
County)

Ordinance No. 2524, having been introduced and the reading waived on May 29, 1979, and being an ordinance consolidating the three municipal courts into one district to be named the Monterey County Municipal Court District effective January 1, 1980, is hereby adopted and ordered published by the following vote, upon motion of Supervisor Shipnuck, seconded by Supervisor Blohm:

AYES: Supervisor Blohm, Shipnuck and Farr.

NOES: Supervisor Petrovic and Moore.

ABSENT: None.

I, ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page ____ of Minute Book 40, on June 5, 1979.

Dated:

June 5, 1979

ERNEST A. MAGGINI,
County Clerk and ex-officio Clerk of the
Board of Supervisors, County of
Monterey, State of California.

By _____ /s/

Deputy.

ORDINANCE NO. 2524

**AN ORDINANCE CONSOLIDATING MUNICIPAL
COURT JUDICIAL DISTRICTS IN MONTEREY COUNTY**

The Monterey County Board of Supervisors ordain as follows:

SECTION 1.

The Monterey Peninsula Judicial District, the North Monterey County Judicial District, and the Salinas Judicial District are consolidated and renamed the Monterey County Municipal Court District, which shall be bounded and described as follows:

Situate in Monterey County, California and being all that portion of said Monterey County lying generally northerly and westerly of the following described line.

SECTION 2

This ordinance shall take effect thirty days after its adoption, but shall not be operative until January 1, 1980.

SECTION 3

It is the intent of this ordinance to consolidate into one district the entire territory of the three existing Municipal Court judicial districts, to wit: Monterey Peninsula, North Monterey County, and Salinas. It is the further intent of this ordinance to make no change in the existing boundary of the Central Judicial District or the Southern Judicial District.

PASSED AND ADOPTED this 5th day of June, 1979, by the following vote:

AYES: Supervisors Blohm, Shipnuck and Farr.

NOES: Supervisor Petrovic and Moore.

ABSENT: None.

Signed: _____ /s/

SAM FARR

Chairman of the Board of
Supervisors of Monterey Count

ATTEST:

Ernest A. Maggini
Clerk of Said Board

By [N. Lukenbill] Deputy

**Before the Board of Supervisors in and for
the County of Monterey, State of California**

Ordinance No. 2930 Adopted,)
An Ordinance Amending Chapter 1.08,)
Monterey County Code by Consolidating)
All Judicial Districts into Monterey)
County Municipal Court District . . .)

A public hearing is held on the matter of the adoption of a proposed amendment to Chapter 1.08 of the Monterey County Code, having been set for this time, due notice of said hearing having been given, and the ordinance having been introduced and the reading waived on July 12, 1983, the matter comes on regularly.

Certain protests having been heard and overruled, Ordinance No. 2930, being an Ordinance amending Chapter 1.08 of the Monterey County Code by consolidating all Judicial Districts into the Monterey County Municipal Court District, is hereby adopted and ordered published, upon motion of Supervisor Del Piero, seconded by Supervisor Shipnuck, and carried by the following vote, to-wit:

AYES: Supervisor Del Piero, Shipnuck, Moore and Peters.

NOES: Supervisor Petrovic.

ABSENT: None.

I, ERNEST A. MAGGINI, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a full, true and correct copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 50, on August 2, 1983.

Dated:

August 2, 1983

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ERNEST A. MAGGINI,
County Clerk and ex-officio Clerk of the
Board of Supervisors, County of
Monterey, State of California.

By [N. Lukenbill]
Deputy.

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Ordinance No. 2930

AN ORDINANCE AMENDING CHAPTER 1.08 OF THE
MONTEREY COUNTY CODE BY CONSOLIDATING ALL
JUDICIAL DISTRICTS INTO THE MONTEREY COUNTY
MUNICIPAL COURT DISTRICT.

The Board of Supervisors of the County of Monterey do
ordain as follows:

Section 1. Section 1.08.010 of the Monterey
County Code is amended to read as
follows:

Section 1.08.010 Monterey
County District The Monterey
County Judicial District, the
Central Judicial District and the
Southern Judicial District are
consolidated and renamed the
Monterey County Municipal
Court District. The boundaries
of said district shall be
coterminous with the boundaries
of the County of Monterey.

Section 2. Section 1.08.020 Monterey County
District, Section 1.08.030 Central
District and Section 1.08.040 Southern
District of the Monterey County Code
are hereby repealed.

Section 3. Sections 1 and 2 of this ordinance shall
become operative on January 1, 1984.

Section 4. This ordinance shall become effective
immediately.

PASSED AND ADOPTED this 2nd day of
August, 1983, by the following vote:

AYES: Supervisors Del Piero, Shipnuck, Moore and
Peters.

NOES: Supervisors Petrovic.

ABSENT: None.

/s/
Chairman of the Board
of Supervisors of
Monterey County

ATTEST:

ERNEST A. MAGGINI
Clerk of Said Board

By [N. Lukenbill]
Deputy

**Before the Board of Supervisors in and for
the County of Monterey, State of California**

Resolution No. 88-597 --)
Resolution of the Board of Supervisors)
of the County of Monterey, Authorizing)
a Tenth Judge for the Municipal Court)
for the Purpose of Calculating Trial)
Court Funding Block Grant Under Govern-)
ment Code Section 77202)

WHEREAS, the passage of Senate Bill 612, Chapter 945, Statutes of 1988, repealed and added Chapter 13 to Title 8 of the Government code (Section 77000 et seq.), known as the Brown-Presley Trial Court Funding Act of 1988; and

WHEREAS, the passage of Assembly Bill 1197, Chapter 944 Statutes of 1988, appropriated from the State General Fund the sums necessary to provide quarterly block grants to option counties based upon sums specified pursuant to Government Code Section 77200; and

WHEREAS, the provisions of Senate Bill 709, Chapter 1211, Statutes of 1987, authorize nine Municipal Court Judges for the County of Monterey and at such time as the Board of Supervisors finds there are sufficient funds for an additional judge and adopts a Resolution to that effect, authorize ten judges.

NOW, THEREFORE, BE IT RESOLVED that the Monterey County Board of Supervisors finds there is sufficient funding for one Municipal Court judgeship in addition to the nine judges previously authorized provided the State reimburses the County for each Judgeship based upon a rate of \$53,000 per Judgeship per quarter, to be adjusted annually as set forth in Chapter 945 of the statutes of 1988.

BE IT FURTHER RESOLVED, in addition to any other rights in the matter the County might have, that if the rate of reimbursement falls below that set forth above, upon a vacancy on the Municipal Court bench, the Board of Supervisors may, by resolution, determine that sufficient funds are not available for the tenth judge and may withdraw the Board's authorization for the tenth judgeship.

PASSED AND ADOPTED on the 13th day of December, 1988, upon motion of Supervisor Petrovic, seconded by Supervisor Shipnuck, and carried by the following vote, to-wit:

AYES: Supervisors Del Piero, Shipnuck, Petrovic, and Karas.

NOES: None.

ABSENT: Supervisor Strasser Kauffman

HEREBY CERTIFY THAT THE FOREGOING DOCUMENT A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE

DATE January 2, 1996

ERNEST K MORISHITA, CLERK
OF THE BOARD OF SUPERVISORS OF
MONTEREY COUNTY CALIF
By [Pamela Olivas] Deputy

I, ERNEST K. MORISHITA, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page -- of Minute Book 61, on December 13, 1988

Dated: December 13, 1988

ERNEST K. MORISHITA,
Clerk of the Board of Supervisors,
County of Monterey, State of California.
By [N. Lukenbill]
Deputy.

JOAQUIN G. AVILA
Parktown Office Building
1774 Clear Lake Avenue
Milpitas, California 95035-7014
(408) 263-1317
California State Bar Number 56484

PROF. BARBARA Y. PHILLIPS
University of Mississippi
Law School
University, Mississippi 38677
(601) 232-7361
California State Bar Number 111135
(Counsel for Plaintiffs -
Additional Counsel listed on next page)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICKY M. LOPEZ,)	
CRESCENCIO PADILLA,	)	Civil Action No.
WILLIAM A.	)	C-91-20559-RMW (EAI)
MELENDEZ, and)	
DAVID SERENA,)	
Plaintiffs,	)	Voting Rights Action
v.	)	Three Judge Court
)	
MONTEREY COUNTY,	)	Circuit Judge Mary M.
CALIFORNIA,	)	Schroeder
STATE OF CALIFORNIA,	)	District Judge James Ware
Defendants,	)	District Judge Ronald M.
	)	Whyte
STEPHEN A. SILLMAN,)	
in his official capacity as)	
Presiding Judge of the)	
Monterey County)	

Municipal Court District,)
Intervenor.)

FIRST AMENDED COMPLAINT

Additional Counsel for Plaintiffs

Robert Rubin
California State Bar Number 85084
Nancy M. Stuart
California State Bar Number 172896
Lawyers' Committee for Civil Rights
of the San Francisco Bay Area
301 Mission Street, Ste. 400
San Francisco, California 94105
(415) 543-9444

Introduction

1. This is a voting rights action filed pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, seeking both declaratory and injunctive relief. Monterey County, California, is a political subdivision subject to the preclearance provisions of Section 5. Under Section 5, a political subdivision such as Monterey County, California, cannot enforce or implement any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to the election of judges for the Monterey County Municipal Court District different from that in force or effect on November 1, 1968, the date of Section 5 coverage for Monterey County, California, unless such change affecting voting has been precleared pursuant to Section 5. A covered political subdivision can secure Section 5 preclearance from either the United States Attorney General or the United States District Court for the District of Columbia. A covered political subdivision can submit the change affecting voting to the United States Attorney General for a determination that such a change affecting voting does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. If the United States Attorney General does not interpose an objection within a 60-day period following the submission of the change affecting voting, the change can be implemented in future elections. 28 C.F.R. § 51.1(a)(2). Alternatively, a covered political subdivision can implement the change affecting voting in future elections if the political subdivision obtains a declaratory judgment from the United States District Court for the District of Columbia that the change affecting voting does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. 28 C.F.R. § 51(a)(1). Until such Section 5 preclearance is secured, the change affecting voting cannot be implemented or enforced in any elections. 28 C.F.R. § 51.10.

2. This First Amended Complaint alleges that applicable Monterey County Ordinances, as well as, an applicable Monterey County Resolution, all of which resulted in the consolidation of municipal and justice court districts in Monterey County and modified the method of electing judges to the Monterey County Municipal Court District cannot be implemented in any elections for municipal court judges in Monterey County until such ordinances and resolution, have been submitted for Section 5 preclearance to the United States Attorney General and no objection has been interposed within a sixty-day period from the submission of the ordinances and the Monterey County Resolution.

3. This First Amended Complaint alleges that applicable Monterey County Ordinances and an applicable Monterey County Resolution, all of which resulted in consolidated municipal and justice court districts in Monterey County and modified the method of electing judges to the Monterey County Municipal Court District cannot be implemented in any elections for municipal court judges in Monterey County until Monterey County has obtained a declaratory judgment from the United States District Court for the District of Columbia determining that the ordinances, and the Monterey County Resolution do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group.

4. This First Amended Complaint further alleges that applicable Monterey County Ordinances and an applicable Monterey County Resolution, all of which resulted in consolidated municipal and justice court districts in Monterey County and modified the method of electing judges to the Monterey County Municipal Court District have not secured the requisite Section 5 preclearance.

5. Plaintiffs seek an Order from this Court permanently enjoining the enforcement or implementation of these County

Ordinances and the Monterey County Resolution, until the requisite Section 5 preclearance is secured. If such preclearance is not forthcoming, Plaintiffs will seek as a remedy the implementation of either a Section 5 precleared election plan for the selection of judges to the Monterey County Municipal Court District or a court ordered election plan which incorporates Section 5 standards and does not fragment or over concentrate language, racial and ethnic minority communities of interest nor deny racial and ethnic minority voters an equal opportunity to participate in the political process and elect candidates of their choice in accordance with Section 2 of the Voting Rights Act, 42 U.S.C. § 1973. Plaintiffs will also seek an Order against Defendant State of California enjoining any applicable provisions of the California Constitution and state statutes to the extent that such constitutional and statutory provisions prevent the implementation of an election plan for judges to the Monterey County Municipal Court District which either secures preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c, or which incorporates Section 5 standards and does not fragment or over concentrate language, racial and ethnic minority communities of interest nor deny racial and ethnic minority voters an equal opportunity to participate in the political process and elect candidates of their choice in accordance with Section 2 of the Voting Rights Act, 42 U.S.C. § 1973. Plaintiffs will also seek in conjunction with the implementation of any temporary or permanent Section 5 precleared election plan or a court ordered election plan which incorporate Section 5 and Section 2 standards, an Order shortening the terms for judges of the Monterey County Municipal Court District and ordering any special elections for electing judges to the Monterey County Municipal Court District.

JURISDICTION

6. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 1973c, 28 U.S.C. §§ 1333(3) & (4), and 28 U.S.C.

§ 2201.

PARTIES

7. Plaintiffs VICKY M. LOPEZ, CRESCENCIO PADILLA, WILLIAM A. MELENDEZ, and DAVID SERENA, are citizens of the United States, and are registered voters residing in Monterey County, California.

8. Defendant MONTEREY COUNTY, CALIFORNIA, is a governmental entity organized pursuant to the laws of the State of California. Defendant MONTEREY COUNTY, CALIFORNIA, is a political subdivision subject to the requirements of Section 5 of the Voting Rights Act. 42 U.S.C. § 1973 c. All voting qualifications or prerequisites to voting, or standards, practices, or procedures with respect to voting enacted, adopted, or implemented by Monterey County on or after November 1, 1968, must be precleared pursuant to Section 5 of the Voting Rights Act. 42 U.S.C. § 1973 c.

9. Defendant STATE OF CALIFORNIA is a governmental entity organized pursuant to the laws of the State of California.

10. Intervenor STEPHEN A. SILLMAN has intervened in his official capacity as Presiding Judge of the Monterey County Municipal Court District. Intervenor SILLMAN, as Presiding Judge, is responsible for apportioning the business of the court and the cases among the municipal court departments. Cal. Gov. Code § 72274. Intervenor SILLMAN has stated an interest in the method of electing judges to the Monterey County Municipal Court District. Intervenor SILLMAN has opposed the method of electing municipal court judges sought by the Plaintiffs.

FACTS

11. Pursuant to Cal. Gov. Code §§ 25200 and 71040, the Monterey County Board of Supervisors has the authority to modify and consolidate municipal and justice court districts.

12. On March 30, 1964, the Monterey County Board of Supervisors passed and adopted Ordinance No. 1347.

13. Monterey County Ordinance No. 1347 abolished the Bradley, Cholame, Peachtree, San Antonio and San Ardo Judicial Townships and defined the boundaries of the following judicial districts: 1) Salinas Judicial District (a municipal court); 2) Monterey-Carmel Judicial District (a municipal court); 3) Pajaro Judicial District (a justice court); 4) Castroville Judicial District (a justice court); 5) Pacific Grove Judicial District (a justice court); 6) Gonzales Judicial District (a justice court); 7) Soledad Judicial District (a justice court); 8) Greenfield Judicial District (a justice court); 9) King City Judicial District (a justice court); 10) San Ardo Judicial District (a justice court). As a result of Monterey County Ordinance No. 1347, there were two municipal courts and eight justice courts.

14. On March 26, 1968, the Monterey County Board of Supervisors passed and adopted Ordinance No. 1597.

15. Monterey County Ordinance No. 1597 combined the Castroville and the Pajaro Judicial Districts (justice courts) into one consolidated judicial district: the Castroville-Pajaro Judicial District (a justice court). As a result of Monterey County Ordinance No. 1597, there were two municipal courts and seven justice courts.

16. On March 11, 1969, the Monterey County Board of Supervisors passed and adopted Ordinance No. 1654.

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17. Monterey County Ordinance No. 1654 modified the boundaries of the Salinas Judicial District (a municipal court), the Monterey-Carmel Judicial District (a municipal court), and the Castroville-Pajaro Judicial District (a justice court). As a result of Monterey County Ordinance No. 1654, the number of judicial districts remained at two municipal courts and seven justice courts.

18. On February 1, 1972, the Monterey County Board of Supervisors passed and adopted Ordinance No. 1852.

19. Monterey County Ordinance No. 1852 amended the boundaries of the Salinas Judicial District (a municipal court), the Monterey-Carmel Judicial District (a municipal court), the Castroville-Pajaro Judicial District (a justice court), the Gonzales Judicial District (a justice court), the Soledad Judicial District (a justice court), the Greenfield Judicial District (a justice court), the King City Judicial District (a justice court), the San Ardo Judicial District (a justice court), and confined the Pacific Grove Judicial District (a justice court) to the corporate boundaries of the City of Pacific Grove. As a result of Monterey County Ordinance No. 1852, the number of judicial districts remained at two municipal courts and seven justice courts.

20. On October 3, 1972, the Monterey County Board of Supervisors passed and adopted Ordinance No. 1917.

21. Monterey County Ordinance No. 1917 combined the Soledad Judicial District with the Gonzales Judicial District (justice courts) into one consolidated judicial district: the Soledad-Gonzales Judicial District (a justice court). As a result of Monterey County Ordinance No. 1917, there were two municipal courts and six justice courts.

22. On November 13, 1973, the Monterey County Board of Supervisors passed and adopted Ordinance No. 1999.

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23. Monterey County Ordinance No. 1999 combined the King City Judicial District with the Greenfield Judicial District (justice courts) into one consolidated judicial district: the King City-Greenfield Judicial District (a justice court). As a result of Monterey County Ordinance No. 1999, there were two municipal courts and five justice courts.

24. On January 13, 1976, the Monterey County Board of Supervisors passed and adopted Ordinance No. 2138.

25. Monterey County Ordinance No. 2138 adjusted the boundaries of the Salinas Judicial District (a municipal court), the Monterey-Carmel Judicial District (a municipal court), and the Castroville-Pajaro Judicial District (a justice court). As a result of Monterey County Ordinance No. 2138, the number of judicial districts remained at two municipal courts and five justice courts.

26. On January 13, 1976, the Monterey County Board of Supervisors passed and adopted Ordinance No. 2139. Monterey County Ordinance No. 2139 did not become operative until January 2, 1977.

27. Monterey County Ordinance No. 2139 adjusted the boundaries of the Monterey-Carmel Judicial District (a municipal court), the Salinas Judicial District (a municipal court), the Castroville-Pajaro Judicial District (a justice court), and the Soledad-Gonzales Judicial District (a justice court). Monterey County Ordinance No. 2139 consolidated the Pacific Grove Judicial District (a justice court) into the Monterey-Carmel Judicial District (a municipal court). Monterey County Ordinance No. 2139 consolidated the King City-Greenfield Judicial District (a justice court), and San Ardo Judicial District (a justice court) into the Salinas Judicial district (a municipal court). As a result of Monterey County Ordinance No. 2139, there were two municipal court districts and two justice courts: the Salinas Judicial District (a municipal court); the Monterey-

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Carmel Judicial District (a municipal court); the Castroville-Pajaro Judicial District (a justice court); and the Soledad-Gonzales Judicial District (a justice court).

28. On August 10, 1976, the Monterey County Board of Supervisors passed and adopted Ordinance No. 2195. Monterey County Ordinance No. 2195 did not become operative until July 1, 1977.

29. Monterey County Ordinance No. 2195 renamed the Castroville-Pajaro Judicial District (a justice court) to the North Monterey County Judicial District (a justice court). Monterey County Ordinance No. 2195 also revised the boundaries of the North Monterey County Judicial District (a justice court) and the Monterey-Carmel Judicial District (a municipal court). As a result of Monterey County Ordinance No. 2195, the number of judicial districts remained at two municipal courts and two justice courts.

30. On September 7, 1976, the Monterey County Board of Supervisors passed and adopted Ordinance No. 2212.

31. Monterey County Ordinance No. 2212 amended Monterey County Ordinance No. 2139, which was adopted and passed by the Monterey County Board of Supervisors on January 13, 1976.

32. Section 1 of Monterey County Ordinance No. 2212, by amending Monterey County Ordinance No. 2139, renamed the Monterey-Carmel Judicial District (a municipal court) to the Monterey Peninsula Judicial District (a municipal court). Section 1 of Monterey County Ordinance No. 2212 adjusted the boundaries of the Monterey Peninsula Judicial District. Section 1 of Monterey County Ordinance No. 2212 did not become effective until January 3, 1977.

33. Section 2 of Monterey County Ordinance No. 2212, by

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amending Monterey County Ordinance No. 2139, adjusted the boundaries of the Monterey Peninsula Judicial District. Section 2 of Monterey County Ordinance No. 2212 did not become effective until July 1, 1977.

34. Section 3 of Monterey County Ordinance No. 2212, by amending Monterey County Ordinance No. 2139, adjusted the boundaries of the Salinas Judicial District. Section 3 of Monterey County Ordinance No. 2212 did not become effective until January 3, 1977.

35. Section 4 of Monterey County Ordinance No. 2212, by amending Monterey County Ordinance No. 2139, renamed the Soledad-Gonzales Judicial District (a justice court) to the Central Judicial District (a justice court). Section 4 of Monterey County Ordinance No. 2212 adjusted the boundaries of the Central Judicial District (a justice court). Section 4 of Monterey County Ordinance No. 2212 did not become effective until January 3, 1977.

36. Section 5 of Monterey County Ordinance No. 2212, by amending Monterey County Ordinance No. 2139, established the Southern Judicial District (a justice court). Section 5 of Monterey County Ordinance No. 2212 did not become effective until January 3, 1977.

37. As a result of Monterey County Ordinance No. 2212, there were two municipal court districts (Salinas Judicial District; Monterey Peninsula Judicial District) and three justice courts (North Monterey County Judicial District; Central Judicial District; Southern Judicial District).

38. On November 9, 1976, the Monterey County Board of Supervisors passed and adopted Ordinance No. 2227.

39. Monterey County Ordinance No. 2227 amended the effective dates of the following sections of Monterey County

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Ordinance No. 2212: the effective date of Section 1 of Monterey County Ordinance No. 2212 was amended from January 3, 1977, to January 2, 1977; the effective date of Section 3 of Monterey County Ordinance No. 2212 was amended from January 3, 1977, to January 2, 1977; the effective date of Section 4 of Monterey County Ordinance No. 2212 was amended from January 3, 1977, to January 2, 1977; and the effective date of Section 5 of Monterey County Ordinance No. 2212 was amended from January 3, 1977, to January 2, 1977.

40. On June 5, 1979, the Monterey County Board of Supervisors passed and adopted Ordinance No. 2524. Monterey County Ordinance No. 2524 did not become operative until January 1, 1980.

41. Monterey County Ordinance No. 2524 consolidated the Monterey Peninsula Judicial District (a municipal court), the North Monterey County Judicial District (a municipal court), and the Salinas Judicial District (a municipal court) into the Monterey County Municipal Court District. Monterey County Ordinance No. 2524 established the boundaries for the Monterey County Municipal Court District.

42. On August 2, 1983, the Monterey County Board of Supervisors passed and adopted Ordinance No. 2930.

43. Monterey County Ordinance No. 2930 consolidated the Central Judicial District (a justice court) and the Southern Judicial District (a justice court) with the Monterey County Municipal Court (a municipal court). As a result of Monterey County Ordinance No. 2930, there was one county wide municipal court, which was renamed the Monterey County Municipal Court District.

44. On December 13, 1988, the Monterey County Board of Supervisors passed and adopted Resolution No. 88-597.

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45. Monterey County Resolution No. 88-597 created a tenth municipal court judgeship in Monterey County.

46. Monterey County Ordinances Nos. 1654, 1852, 1917, 1999, 2138, 2139, 2195, 2212, 2227, 2524, 2930, and Monterey County Resolution No. 88-597, are voting qualifications, or prerequisites to voting, standards, practices, or procedures with respect to voting different from those in force or effect on November 1, 1968. Defendant MONTEREY COUNTY, CALIFORNIA, must submit these Monterey County Ordinances and the Resolution to the United States Attorney General for a determination that these ordinances and the resolution do not have the purpose and do not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. Alternatively, Defendant MONTEREY COUNTY, CALIFORNIA, must file an action in the United States District Court for the District of Columbia seeking a declaratory judgment that these Monterey County Ordinances and the Resolution do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. 42 U.S.C. § 1973 c.

47. Defendant MONTEREY COUNTY, CALIFORNIA, has not secured the requisite determination pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, from either the United States Attorney General or the United States District Court for the District of Columbia that Monterey County Ordinances Nos. 1654, 1852, 1917, 1999, 2138, 2139, 2195, 2212, 2227, 2524, 2930, and Monterey County Resolution No. 88-597, do not have the purpose and do not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group.

48. Notwithstanding the lack of preclearance as required by Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c,

Defendant MONTEREY COUNTY, CALIFORNIA, has implemented Monterey County Ordinances Nos. 1654, 1852, 1917, 1999, 2138, 2139, 2195, 2212, 2227, 2524, 2930, and Resolution No. 88-597.

49. On April 13, 1995, this Court granted PRESIDING JUDGE STEPHEN A. SILLMAN'S motion to intervene in his official capacity stating that the PRESIDING JUDGE was "seeking to protect the administration of justice in Monterey County, a concern independent from an interest in the configuration of particular districts."

50. Since the intervention was granted, Intervenor SILLMAN has requested the implementation of a method of electing judges to the Monterey County Municipal Court District which is opposed by the Plaintiffs. The method of electing judges to the Monterey County Municipal Court District requested by Intervenor Sillman is the result of the implementation of the Monterey County Resolution and Monterey County Ordinances, specified in paragraph 46 of Plaintiffs' First Amended Complaint. These Ordinances and Resolution have not received preclearance as required by Section 5 of the Voting Rights Act.

51. On November 1, 1995, this Court ordered the STATE OF CALIFORNIA to be joined as a party defendant. The Court joined the STATE OF CALIFORNIA as a party defendant "in order to bring about a complete resolution of the issues."

52. Defendant STATE OF CALIFORNIA will enforce applicable state constitutional and statutory provisions which will prevent the implementation of a method of electing judges to the Monterey County Municipal Court District which can secure preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c. Alternatively, Defendant STATE OF CALIFORNIA will enforce applicable state constitutional and

statutory provisions which will prevent the implementation of a temporary or permanent court-ordered election for electing judges to the Monterey County Municipal Court District which complies with the standards developed by the United States Attorney General in Section 5 administrative proceedings and by the United States District Court for the District of Columbia in declaratory judgment actions filed pursuant to Section 5, and which complies with the standards of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, by not fragmenting or over concentrating language, racial and ethnic minority communities of interest and denying racial and ethnic minority voters of an equal opportunity to participate in the political process and elect candidates of their choice.

REQUEST FOR THREE JUDGE COURT

53. Pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, the convening of a Three Judge Court is requested.

CLAIM FOR RELIEF

54. Plaintiffs reallege paragraphs 1 through 54 above and incorporate the same as though fully set forth herein.

55. Plaintiffs allege that the adopted and implemented changes in the method of electing judges to the municipal and justice courts in Monterey County and to the consolidation of the judicial districts as specified in Monterey County Ordinances Nos. 1654, 1852, 1917, 1999, 2138, 2139, 2195, 2212, 2227, 2524, 2930, and Resolution No. 88-597, constitute voting qualifications, or prerequisites to voting, or standards, practices, or procedures with respect to voting different from those in force or effect on November 1, 1968, in Monterey County, within the meaning of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c.

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56. Plaintiffs allege that the failure of Defendant MONTEREY COUNTY, CALIFORNIA, to secure a determination from either the United States Attorney General or the United States District Court for the District of Columbia that Monterey County Ordinances Nos. 1654, 1852, 1917, 1999, 2138, 2139, 2195, 2212, 2227, 2524, 2930, and Resolution No. 88-597, do not have the purpose and do not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, constitutes a violation of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c.

57. Plaintiffs allege that the failure of Defendant MONTEREY COUNTY, CALIFORNIA, to secure a determination from either the United States Attorney General or the United States District Court for the District of Columbia that Monterey County Ordinances Nos. 1654, 1852, 1917, 1999, 2138, 2139, 2195, 2212, 2227, 2524, 2930, and Resolution No. 88-597, do not have the purpose and do not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, renders the implementation of these Monterey County Ordinances, and the Monterey County Resolution legally unenforceable.

58. Plaintiffs allege that Defendant STATE OF CALIFORNIA will enforce applicable state constitutional and statutory provisions, unless the enforcement of such constitutional and statutory provisions are enjoined by this Court, which will prevent the implementation of a method of electing judges to the Monterey County Municipal Court District which can secure preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c.

59. Plaintiffs allege that Defendant STATE OF CALIFORNIA will enforce applicable state constitutional and statutory provisions, unless the enforcement of such

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constitutional and statutory provisions are enjoined by this Court, which will prevent the implementation of a temporary or permanent court-ordered election plan for electing judges to the Monterey County Municipal Court District which complies with the standards developed by the United States Attorney General in Section 5 administrative proceedings and by the United States District Court for the District of Columbia in declaratory judgment actions filed pursuant to Section 5, and which complies with the standards of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, by not fragmenting or over concentrating language, racial and ethnic minority communities of interest and denying racial and ethnic minority voters of an equal opportunity to participate in the political process and elect candidates of their choice.

INJUNCTIVE AND DECLARATORY RELIEF

60. Plaintiffs reallege paragraphs 1 through 59 above and incorporate the same as though fully set forth herein.

61. This is also an action for declaratory, preliminary and permanent injunctive relief sought pursuant to 28 U.S.C. §§ 2201 and 2202, and Fed.R.Civ.P. 57 and 65. Plaintiffs seek a declaration that the failure of Defendant MONTEREY COUNTY, CALIFORNIA, to secure a determination from either the United States Attorney General or the United States District Court for the District of Columbia that Monterey County Ordinances Nos. 1654, 1852, 1917, 1999, 2138, 2139, 2195, 2212, 2227, 2524, 2930, and Resolution No. 88-597, do not have the purpose and do not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group, pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, violate the protections afforded to Plaintiffs by Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, thereby making injunctive relief appropriate. Unless enjoined, Defendant MONTEREY COUNTY, CALIFORNIA, will continue with the enforcement

and implementation of the legally unenforceable changes affecting the voting rights of language, racial, and ethnic minority groups residing in Monterey County, California.

62. Plaintiffs seek a declaration that the enforcement of applicable state constitutional and statutory provisions by Defendants STATE OF CALIFORNIA and MONTEREY COUNTY, CALIFORNIA, which will prevent the implementation of a judicial election plan for the Monterey County Municipal Court District that secures preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, or prevent the implementation of a court-ordered judicial election plan for the Monterey County Municipal Court District, which incorporates standards developed by the United States Attorney General in Section 5 administrative proceedings and by the United States District Court for the District of Columbia in declaratory judgment actions filed pursuant to Section 5, and which complies with the standards of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, by not fragmenting or over concentrating language, racial and ethnic minority communities of interest and denying racial and ethnic minority voters of an equal opportunity to participate in the political process and elect candidates of their choice, will violate the protections afforded to Plaintiffs by Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, thereby making injunctive relief appropriate. Unless enjoined, Defendants STATE OF CALIFORNIA and MONTEREY COUNTY, CALIFORNIA, will continue to enforce and implement these applicable state constitutional and statutory provisions, thereby violating the protections afforded to Plaintiffs by Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c.

BASIS FOR EQUITABLE RELIEF

63. Plaintiffs have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit for declaratory and injunctive relief is their only means of securing

adequate redress from the unlawful practices of Defendants MONTEREY COUNTY, CALIFORNIA, and the STATE OF CALIFORNIA. Plaintiffs will continue to suffer irreparable injury from the acts, policies, and practices of Defendants MONTEREY COUNTY, CALIFORNIA, and the STATE OF CALIFORNIA set forth herein unless enjoined by this Court.

PRAYER

WHEREFORE, Plaintiffs respectfully pray that this Court enter judgment granting Plaintiffs:

- a. A declaration that the adoption and implementation of Monterey County Ordinances Nos. 1654, 1852, 1917, 1999, 2138, 2139, 2195, 2212, 2227, 2524, 2930, and Resolution No. 88-597, constitute changes affecting voting within the meaning of Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, and are legally unenforceable absent the requisite Section 5 preclearance;
- b. A permanent injunction restraining and enjoining Defendant MONTEREY COUNTY, CALIFORNIA, its officers, agents, employees, attorneys and successors in office and all other persons in active concert and participation with it, from any further implementation or enforcement of Monterey County Ordinances Nos. 1654, 1852, 1917, 1999, 2138, 2139, 2195, 2212, 2227, 2524, 2930, and Resolution No. 88-597, unless and until said changes affecting voting are precleared pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c;
- c. A declaration that the enforcement of applicable state constitutional and statutory provisions by Defendants STATE OF CALIFORNIA and MONTEREY COUNTY, CALIFORNIA, that prevent the implementation of a judicial election plan for the Monterey County Municipal Court District that secures preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, or prevent the implementation

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of a court-ordered judicial election plan for the Monterey County Municipal Court District, which incorporate standards developed by the United States Attorney General in Section 5 administrative proceedings and by the United States District Court for the District of Columbia in declaratory judgment actions filed pursuant to Section 5, and which complies with the standards of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, by not fragmenting or over concentrating language, racial and ethnic minority communities of interest and denying racial and ethnic minority voters of an equal opportunity to participate in the political process and elect candidates of their choice, violate the protections afforded to Plaintiffs by Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c.

d. An Order, in the event the requisite preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, is not secured, shortening the terms of the judges of the Monterey County Municipal Court District and requiring a special election for the judges of the Monterey County Municipal Court District, said election based upon the judicial election districts in existence on November 1, 1968, or based upon an election plan which has received the requisite preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c; or alternatively,

e. An Order, in the event the requisite preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, is not secured, requiring the implementation of a court-ordered temporary and permanent election plan for the election of judges to the Monterey County Municipal Court District, said plan to comply with the standards developed by the United States Attorney General in Section 5 administrative proceedings and by the United States District Court for the District of Columbia in declaratory judgment actions filed pursuant to Section 5, and to comply with the standards of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, by not fragmenting or over concentrating language, racial and ethnic

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minority communities of interest and denying racial and ethnic minority voters of an equal opportunity to participate in the political process and elect candidates of their choice;

f. An Order enjoining Defendants STATE OF CALIFORNIA and MONTEREY COUNTY, CALIFORNIA from enforcing applicable state constitutional and statutory provisions which will prevent the implementation of a judicial election plan for the Monterey County Municipal Court District that secures preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973 c, or prevent the implementation of a court-ordered judicial election plan for the Monterey County Municipal Court District, which incorporates standards developed by the United States Attorney General in Section 5 administrative proceedings and by the United States District Court for the District of Columbia in declaratory judgment actions filed pursuant to Section 5, and which complies with the standards of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, by not fragmenting or over concentrating language, racial and ethnic minority communities of interest and denying racial and ethnic minority voters of an equal opportunity to participate in the political process and elect candidates of their choice.

g. An Order granting Plaintiffs their costs of court, necessary litigation expenses, and reasonable attorneys' fees to be adjudged against the Defendants as provided for under 42 U.S.C. §§ 1973 l (e) and 1988;

h. An Order retaining jurisdiction to render such further and additional Orders as the Court may, from time to time, deem appropriate; and

i. An Order granting such other additional relief at law or in equity as may be deemed appropriate.

DATED: October 24, 1996

JOAQUIN G. AVILA
BARBARA Y. PHILLIPS
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By: /s/
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA

VICKY M. LOPEZ,)
CRESCENCIO)
PADILLA, WILLIAM)
A. MELENDEZ,)
JESSE G. SANCHEZ,)
and DAVID SERENA,)
Plaintiffs,)
)
v.)

MONTEREY COUNTY,)	Civil Action No.
CALIFORNIA,)	C-91-20559-RMW (EAI)
)	(Voting Rights Action
Defendant,)	Three Judge Court)
)	
STATE OF)	
CALIFORNIA,)	
)	
Defendant-)	
Intervenor,)	

DECLARATION OF GEORGE SCHNEIDER,
ACTING DEPUTY CHIEF VOTING RIGHTS SECTION,
CIVIL RIGHTS DIVISION
UNITED STATES DEPARTMENT OF JUSTICE

I, George Schneider, Acting Deputy Chief of the Voting Section, Civil Rights Division, United States Department of Justice, make the following declaration pursuant to 28 U.S.C. 1746.

1. My duties as Acting Deputy Chief of the Voting Section include supervisorial authority over the review of voting changes submitted to the Attorney General under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c.

2. Counsel for Plaintiffs in the above-captioned case requested the Voting Section to verify the status, under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, of voting changes occasioned by eight California state statutes: Chapter 966 (1975), Chapter 1242 (1975), Chapter 995 (1977), Chapter 694 (1979), chapter 1249 (1983), Chapter 659 (1985), Chapter 1211 (1987), and Chapter 608 (1989).

3. A search of our records fails to show that voting changes occasioned by Chapter 966 (1975), Chapter 1242 (1975), Chapter 995 (1977), Chapter 694 (1979), or Chapter 1211 (1987), have been submitted for Section 5 preclearance.

4. Because counsel for Plaintiffs indicate that the voting changes occasioned by Chapter 966 (1975) and Chapter 1242 (1975) may have received Section 5 preclearance by letter dated March 8, 1976, I am attaching to this declaration a March 8, 1976 letter from J. Stanley Pottinger, Assistant Attorney General, to Mr. William Burley, Assistant to the California Secretary of State, which preclears the voting changes occasioned by numerous California state statutes submitted by the State of California to the Attorney General on January 8, 1976. See Attachment A. I am also attaching to this declaration a list reflecting the Chapter number and year of 329 state statutes submitted by the State of California by letter dated January 5, 1976, and received by the Department of Justice on January 8, 1976. See Attachment B. This list was provided by the State of California in its January 1976 submission, and accurately reflects the state statutes referenced in the March 8, 1976 letter. As is reflected by this list, Chapter 966 (1975) and Chapter 1242 (1975) were not included in the January 1976 submission, and therefore were not precleared on March 8, 1976.

5. A search of our records indicates that the voting changes occasioned by Chapter 1249 (1983) were submitted by the State of California for Section 5 review by letter dated December 13, 1983, and precleared on December 28, 1984. Our letter of preclearance is attached as Attachment C.

6. A search of our records indicates that the voting changes occasioned by Chapter 659 (1985) were submitted by the State of California for Section 5 review by letter dated December 24, 1985, and precleared on February 28, 1986. Our letter of preclearance is attached as Attachment D.

7. A search of our records indicates that the voting changes occasioned by Chapter 608 (1989) were submitted by the State of California for Section 5 review by letter dated January 2, 1990. Since the change affected by Chapter 608 was related to other changes not yet submitted, the Attorney General made no determination with regard to the submission of Chapter 608 (1989). Our letter of no determination is

attached as Attachment E.

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 15th day of December, 1997.

/s/
GEORGE SCHNEIDER
Acting Deputy Chief
Voting Section
Civil Rights Division
Department of Justice
P.O. Box 66128
Washington, D.C. 20035-6128

JSP:MHC:SKD:bhj
D.J. 166-012-3
X1300-X1628

Mr. William N. Durley
Assistant to the Secretary of State
Election Division
Office of the Secretary of State
111 Capitol Mall
Sacramento, California 95814

Dear Mr. Durley:

This is in reference to the submission of 329 Acts of the State of California to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on January 8, 1976.

The Acts which you have submitted were set forth on the attachments to your letter. With the exception of the Acts listed below, the Attorney General does not interpose an objection to the Acts which you have submitted. Some of the Acts which you have submitted, such as Act 488 (1973) which authorizes cities to enact an ordinance to fill vacancies on the city council, are enabling legislation which authorize local jurisdictions to make changes in voting procedures as the local jurisdictions desire. While this enabling legislation is subject to the submission requirements of Section 5, and while the Attorney General has not interposed an objection to these state Acts, Section 5 also imposes an obligation on the local jurisdiction to submit all changes, for Section 5 review, made as a result of the implementation of procedures which are authorized by these Acts.

ATTACHMENT A

I note that several Acts, such as Act 565 (1973) and 1093 (1969) deal with providing certain materials in Spanish and that other acts deal with forms, etc., which are used in the election process. The Attorney General does not consider your submission of January 8, 1976 as being a submission of any aspect of the change to bilingual procedures for elections, as required for four covered counties by the 1975 Amendments to the Voting Rights Act of 1965. It appears that your submission does not purport to include the changes to bilingual elections. Consequently, the failure to object to these Acts by the Attorney General should not be considered to be a failure to object to any changes in election procedures relating to bilingual election matters.

We feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of the change involved.

With respect to the Acts on the attached list, however, after a preliminary review the Attorney General has determined that the information provided is not sufficient to enable him to make the determination which is required by Section 5. See Section 51.18 of the Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, a copy of which is enclosed for your convenience. To aid us in making the required determination, would you please provide us with the information requested for each Act enumerated on the attachment.

The Attorney General has a 60-day period to consider enactments submitted pursuant to Section 5. This time will begin to run with regard to the Acts on the attachment when the Department has available to it all the information necessary to evaluate each of these changes.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

ATTACHMENT

1. Chapter 1316 (1969): Does the Act apply to Yuba or Monterey Counties? If so, please explain what change has occurred and contrast the old and new procedures or law.
2. Chapter 1317 (1969): Does the Act or change apply to Yuba or Monterey Counties? If so, please explain the changes which have occurred and contrast the old and new procedures or law.
3. Chapter 320 (1970): The Change is not discernible from the act or the analysis you provided. Please explain the old procedure and contrast it with the new.
4. Chapter 1249 (1970): This lengthly Act appears to contain many provisions which do not affect voting. Please set forth and explain the specific changes which affect voting and contrast the old and new provisions.
5. Chapter 2 (1971): This lengthly Act appears to contain many provisions which do not affect voting. Please set forth and explain the specific changes which affect voting and contrast the old and new provisions.
6. Chapter 1298 (1971): Please explain whether the change providing Spanish translations of qualification statements has been implemented, and if so, who has born the cost of such translations. Is this statute still the operable law governing this matter?
7. Chapter 1821 (1971): This Act refers to the 1972 Democratic Presidential Primary, but does not appear to amend or change existing statutes. What changes in voting practice and procedures are affected by the enactment of this statute? Please contrast the old and

the new procedures.

8. Chapter 16 (1972): Please explain the change and indicate the difference between the change and the previous provision.
9. Chapter 320 (1972): Please explain and clarify the purpose of the change. Does the Act purport to provide a less stringent residency requirement?
10. Chapter 228 (1972): The changes are not discernible from the Act or analysis. For each change contained in this Act, please explain the old and new practice, law, or procedure. Is the Act enabling legislation, and if so, have Monterey or Yuba Counties implemented its provisions?
11. Chapter 340 (1972): The change affecting voting is not discernible from the Act or analysis. Please explain the old procedures contrast it with the new.
12. Chapter 409 (1972): What specific changes affecting voting are occasioned by this Act? Please explain the old and new procedures.
13. Chapter 445 (1972): Does this Act apply to Monterey or Yuba Counties? If so, please explain the change or changes affecting voting.
14. Chapter 471 (1972): Does this Act apply to Monterey or Yuba Counties? If so, please explain its change or changes affecting voting.
15. Chapter 1356 (1972): State the past practice with respect to late registrants, i.e., those persons registering within 54 days prior to an election by describing what election materials were sent and those which were not

J.S. App. 114

sent to them;

Explain or give the justification for the provision embodied in Chapter 1356 (1972) that late registrants need not be sent a copy of the sample ballot or a statement of a candidate's qualifications although they are required to be sent a notice of polling places and the state ballot pamphlet.

State what representatives of racial and language minority groups have been contacted with respect to this change and what their views are concerning the purpose and effect of the change within the meaning of Section 5 of the Voting Rights Act of 1965 as amended.

16. Chapter 1041 (1973): Your submission did not include a copy of the Act, although a copy of the Legislative Counsel's Digest was provided. Please provide us with a copy of the Act (Chapter 1041) and indicate the nature of the change from existing law.

17. Chapter 270 (1975): Please provide a statement of the racial population of the Cordua Irrigation District and a statement of the reason for the change, i.e., limiting the right to vote in irrigation district elections to landowners.

Also, please provide a statement as to whether registered voters residing within the district could petition to change from a landowner voting district to that of a resident voting district and, if so, under what conditions.

18. Chapter 1030 (1975): A statement as to whether this statute requires that municipal officers, to the extent that they are elected at-large, reside within particular districts with the city.

J.S. App. 115

19. Chapter 1048 and 1111 (1975): An explanation of the difference between the submitted changes and the past practice of selecting delegates to the state Democratic and Republican conventions.

An explanation as to how the submitted changes will affect racial and language minorities in the four covered counties within the meaning of Section 5, e.g., in terms of their participation in the selection process, their representation at the convention.

A statement of the reason for the changes and the views of racial and language minorities with respect to the changes.

20. Chapter 1056 and 1060 (1975): An explanation of the difference between the submitted change and the past practice concerning third parties and their conventions.

An explanation as to how the submitted changes will affect racial and language minorities in the four covered counties within the meaning of Section 5.

A statement of the reason for the changes and the views of racial and language minorities with respect to the changes.

21. Chapter 1158 (1975): Please indicate if any translation of the candidate's statement into the applicable minority languages as defined by the 1975 Amendments to the Voting Rights Act of 1965, in addition to the official statement which is contained in the voter's pamphlet, is being provided for those minority language voters who need it, when a candidate elects not to have his or her statement translated and distributed as part of the voter's pamphlet. If so, please indicate the steps and procedures which have been or which will be

implemented to assure that the method of distribution which will be utilized for the translated statements will effectively make the translated statements available to the minority language voters who need them. In this regard, please indicate the extent to which representatives of the minority language groups have been consulted in order to determine if the method of proposed distribution will reach minority language voters who need the translated versions of the candidates' statements. Please indicate the name, address, and telephone number for each minority language group representative contacted and his or her reaction to the alternate plan of distribution, if any.

Also, with regard to the candidates' statements which are translated and printed in a minority language in the voter's pamphlet, please indicate if a greater cost will be levied or assessed on those candidates who elect to have their statement translated than those candidates who do not so elect. If a greater cost is to be levied, please indicate the statutory basis fro the additional cost and the estimated additional cost for a candidate in each of the four counties covered by the 1975 Amendments to the Voting Rights Act of 1965 for the 1975 elections.

22. Chapter 1203 (1975): A copy of the reapportionment plan adopted by the California Supreme Court in Legislature v. Reinecke, 10 Cal. 396; map(s) showing the old and the new districts and population statistics by race before and after the change.

Any other changes affecting voting made pursuant to this statute are subject to Section 5 preclearance, e.g., increase/decrease in the number of precincts.

Seal of the
State of California

Office of the Secretary of State
March Fong Eu

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J.S. App. 118

I. MASTER LIST OF CHARTERED LAW NUMBERS

	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>
1	36	Ext. S.2*	14	1	27	17	
75	81	Ext. S.3*	16	23	57	21	
106	147	49	17	79	68	23	
151	148	65	37	156	74	45	
159	164	74	108	226	109	49	
160	169	75	113	236	154	52	
170	186	85	122	271	158	64	
256	236	127	145	305	224	103	
367	256	128	157	333	230	107	
402	267	129	159	337	233	142	
438	294	135	169	352	293	145	
453	320	166	172	359	324	151	
454	341	294	193	363	329	206	
455	342	325	199	364	337	238	
461	343	364	209	384	376	250	
467	379	365	213	385	404	260	
497	393	367	218	403	431	270	
511	489	412	228	413	454	276	
557	559		229	415	469	283	
575	592	465	230	421	546	333	
607	615	486	238	422	641	399	
679	632	556	243	432	662	455	
774	726	643	288	444	681	486	
779	781	650	320	488	691	490	
781	789	691	327	492	762	510	
783	845	707	340	513	777	544	
810	859	724	385	514	848	605	
835	1153	737	404	525	858	620	
870	1249	819	409	531	907	652	
913	1387	978	413	547	945	696	
914	1472	994	426	631	979	704	
939		1063	445	643	1001	797	
940		1093	453	648	1105	817	

J.S. App. 119

948	1146	464	683	1131	830
1151	1180	467	800	1135	882
1160	1190	471	834	1157	884
1225	1218	491	840	1165	915
1316	1219	499	885	1166	920
1317	1274	514	934	1184	955
1383	1294	570	1041	1189	981
1469	1298	579	1125	1203	1030
1470	1453	592	1164	1244	1045
1520	1479	593	1177	1386	1048
1543	1572	618	1186	1389	1056
1556	1760	652	1196	1410	1060
	1775	777		1445	1079
	1821	818		1494	1097
		873		1543	1111
		996			1119
		1053			1145
		1071			1147
		1085			1154
		1180			1158
		1356			1162
					1164
					1197
					1203
					1211
					1237

* No summaries provided for this bill,
but the full text is included in the 1971 packet.

J.S. App. 120

WBR:PAM:ELB:dvs
DJ 166-012-3
JO422
JO439
JO452

December 28, 1984

Ms. Deborah Seiler
Assistant Secretary of State
Elections and Political Reform
1230 J Street
Sacramento, California 95814

Dear Ms. Seiler:

This refers to A.B. 793, Chapter 165 (1983), which provides for the consolidation of the Hanford and Lemoore Judicial Districts in Kings County; A.B. 1956, Chapter 758 (1983), which requires that when municipal and school district elections are consolidated that the nomination period be the same as for the school district; and to S.B. 676, Chapter 1249 (1983), which provides for the consolidation of the Central and Southern Judicial Districts into the Municipal Court District for Monterey County, California, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received the information to complete your submission on November 1, 1984.

The Attorney General does not interpose any objections to the change in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 5148).

ATTACHMENT C

J.S. App. 121

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By:

Gerald W. Jones
Chief, Voting Section

cc: Public file

J.S. App. 122

WBR:JKT:SAT:gmh
DJ 166-012-3
N2861-2909

February 28, 1986

Ms. Deborah Seiler
Assistant to the Secretary of State
Elections and Political Reform
1230 J Street
Sacramento, California 95814

Dear Ms. Seiler:

This refers to the forty-nine statutes relating to voting enacted in 1985 for the State of California, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on December 30, 1985.

The statutes are as follows:

Chapter:	17 (A.B. 120)	775 (A.B. 745)
	34 (A.B. 527)	798 (A.B. 45)
	71 (S.B. 123)	839 (A.B. 992)
	91 (S.B. 979)	847 (A.B.1431)
	97 (A.B. 458)	896 (S.B. 572)
	114 (A.B. 691)	899 (S.B. 621)
	133 (S.B. 61)	906 (S.B.1322)
	225 (S.B. 569)	941 (S.B. 776)
	277 (A.B. 2369)	985 (A.B.1350)
	301 (S.B. 1288)	1042 (S.B.1289)
	310 (A.B. 591)	1129 (S.B.1333)
	319 (A.B. 2366)	1200 (A.B. 869)
	320 (A.B. 1088)	1267 (A.B.1190)

J.S. App. 123

346 (A.B. 2526)	1319 (S.B. 603)
382 (A.B. 1015)	1408 (A.B.1893)
420 (A.B. 759)	1412 (A.B. 189)
450 (S.B. 92)	1430 (S.B. 163)
480 (A.B. 923)	1456 (S.B. 726)
498 (A.B. 688)	1487 (S.B. 695)
541 (A.B. 115)	1514 (S.B. 360)
659 (S.B. 1245)	1524 (S.B. 181)
602 (A.B. 1152)	1582 (S.B. 821)
617 (S.B. 308)	1599 (A.B. 558)
702 (S.B. 116)	
704 (A.B. 645)	
760 (A.B. 1291)	

With the exception of the three Chapter discussed below, the Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.48).

The provisions of the following Chapters have been viewed as enabling legislation:

97 (A.B. 458)	906 (S.B.1322)
114 (A.B. 691)	1408 (A.B.1893)
310 (A.B. 541)	1412 (A.B. 189)
320 (A.B. 1088)	1430 (S.B. 163)
382 (A.B. 1015)	1487 (S.B. 695)
702 (S.B. 116)	
704 (A.B. 645)	
760 (A.B. 1291)	
847 (A.B. 1431)	
896 (S.B. 572)	

ATTACHMENT D

J.S. App. 124

Accordingly, any changes affecting voting which are implemented by political subdivision in Kings, Merced, Monterey and Yuba Counties pursuant to these Chapters will be subject to the preclearance requirements of Section 5. See also 28 C.F.R. 51.14.

With regard to Chapters 133 (S.B. 61), 541 (A.B. 115), and 1599 (A.B. 558), the materials you have provided do not satisfy the requirements of a submission under Section 5 of the Voting Rights Act. Each voting change occasioned and each covered jurisdiction affected by these acts must be identified in an unambiguous manner before it can be reviewed by this Department. Allen v. State Board of Elections, 393 U.S. 544, 571 (1969). Also, as set forth in the guidelines, a submission should include:

a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting. 28 C.F.R. 51.25(b).

If you have any questions concerning the matters discussed in this letter, feel free to call Ms. Shelly A. Thompson (202-724-7567) of our staff. Refer to File Nos. N2861-2909 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division
By:

Gerald W. Jones
Chief, Voting Section

J.S. App. 125

JPT:GS:DOW:ra
DJ 166-012-3
Z8966

March 12, 1990

Ms. Caren Daniels-Meade
Chief, Elections Division
1230 J Street
Sacramento, California 95814

Dear Ms. Daniels-Meade:

This refers to Chapter 608, S.B. No. 1423 (1989), which recognizes the creation of a 10th municipal court judge in Monterey County, California, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on January 9, 1990.

We understand that Monterey County created this judgeship by Resolution. Our records fail to show that this change has been submitted to the United States District Court for the District Columbia for judicial review or to the Attorney General for Administrative review as required by Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. If our information is correct, it is necessary that this change either be brought before the District Court for the District of Columbia or submitted to the Attorney General for a determination that the change does not have the purpose and will not have the effect of discriminating on account of race, color, or membership in a language minority group. Changes

ATTACHMENT E

in procedure which affect voting are unenforceable unless and until the Section 5 preclearance requirements have been met. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.10). Since the change affected by Chapter 608 is related to the creation of this judgeship, it is necessary that these changes be reviewed simultaneously under Section 5. Accordingly, the Attorney General will make no determination with regard to your submission until such time as the creation of this judgeship undergoes Section 5 review. See also 28 C.F.R. 51.22(b).

cc: Public File

-2-

By separate letter of this date we have informed Monterey County of the need to obtain Section 5 preclearance of the creation of this judgeship.

Sincerely,

James P. Turner
Acting Assistant Attorney General
Civil Rights Division

By:

Barry H. Weinberg
Acting Chief, Voting Section

cc: Ms. Nancy Lukenbill